



The Planning
Inspectorate

The Planning Act 2008

Hinkley Point C (Nuclear Generating Station) Order []

Panel's Report to the Secretary of State

**Panel's Report in respect of an application for a Development
Consent Order for Hinkley Point C Nuclear Generating Station and
Associated Development**

Date: 19 December 2012

File Ref EN010001

Hinkley Point C (Nuclear Generating Station Order) []

- The application, dated 31 October 2011 was made under Section 37 of the Planning Act 2008.
- The Applicant is NNB Generation Company Limited.
- The application was accepted for examination on 24 November 2011.
- The examination of the application began on 21 March 2012 and was completed on 21 September 2012.
- The development proposed is Hinkley Point C Nuclear Generating Station and Associated Development.

Summary of Recommendation: The Order be made with modifications.

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1 INTRODUCTION

- 1.1 The main development proposed is a nuclear power station with a generating capacity of 3260 megawatts (MW). As an onshore generating station in England, with a generating capacity of more than 50 MW, the proposal is a nationally significant infrastructure project (NSIP) as defined by s15 of the Planning Act 2008 (the Act). Also included in the application are proposals for several linked items of infrastructure ('associated development'). These comprise temporary accommodation for construction workers (both on the main power station site and in Bridgwater); 2 park and ride sites in Bridgwater, and one each in Cannington and Williton; 2 freight handling facilities in Bridgwater (on joint sites with the proposed park and ride facilities); reconstruction of an existing wharf at Combwich and a new freight laydown area, and improvements to several road junctions in the area.
- 1.2 The application was submitted on 31 October 2011 and accepted for examination on 24 November 2011. The examination began on 21 March 2012 and was completed on 21 September 2012.
- 1.3 On 17 February 2012 the Chair of the Infrastructure Planning Commission (IPC) appointed a three member Panel as the Examining authority for the application (PDEC03). Andrew Phillipson was appointed as the lead member of the Panel; Frances Fernandes and Emrys Parry were also appointed. The Chair indicated in his letter that further appointments to the Panel were likely to be made. Lorna Walker was subsequently appointed to the Panel on 9 March 2012 (PDEC04) and Michael Hurley was appointed on 11 April 2012 (PDEC06).
- 1.4 On 17 February another letter was sent by the lead member of the Panel to all interested parties, inviting them to a preliminary meeting on 21 March 2012. Annexes to the letter included a draft timetable for the examination and the Panel's initial assessment of the principal issues arising on the application.
- 1.5 In that letter we drew attention to the fact that our initial assessment of the principal issues did not include matters such as nuclear safety, security, protection of people and the transport of nuclear material. We explained that it was not our intention to duplicate the consideration of matters which are within the remit of the bodies responsible for nuclear regulation. We also made clear that this should not be interpreted as the Panel drawing up its list of issues without having regard to the numerous representations made on such matters. Rather, that it reflected National Policy Statement (NPS) EN-6 (para 2.7) which advises us to avoid unnecessary duplication and to ensure that planning and regulatory expertise are focussed on the most appropriate areas.
- 1.6 We also explained that we would not include matters of principle that were considered and decided by Government in designating

the energy NPSs. In particular, we would not consider the need for this type of infrastructure. We repeated our position on these matters at various points throughout the examination, particularly during the open floor hearings, where we advised interested parties to address their concerns elsewhere for example such as to the Office for Nuclear Regulation (ONR) or to Government through their elected representatives.

- 1.7 In relation to the draft timetable, we proposed an examination lasting the full 6 month statutory time period allowed for examining NSIPs under s98 of the Planning Act 2008 (PDEC03).
- 1.8 In a letter to the IPC dated 14 March 2012 (COR06) and at the preliminary meeting, West Somerset District Council (WSC) and Sedgemoor District Council (SDC) jointly requested that the examination be extended beyond the statutory 6 month timetable in order to enable them to fully engage in the examination, given that additional funding they had sought from the Applicant had not been forthcoming.
- 1.9 Following the preliminary meeting, on 23 March 2012, the Panel issued a request for further information under Rule 17 of the Examination Rules to WSC and SDC (COR09 and COR10), asking for further information in connection with the claim. The Councils duly supplied the information on 26 March 2012 (COR15 - COR18) and this was considered by the Panel who reported to the Chair of the IPC. The Chair of the IPC wrote to the Councils on 30 March 2012 (COR12), agreeing with and enclosing the Panel's reasoned recommendation, and setting out his decision not to extend the examination.
- 1.10 Following the implementation of the relevant section of the Localism Act 2011 on 1 April 2012, the IPC was abolished and its functions transferred to the Planning Inspectorate. The main change in practice brought in by the Localism Act was that the Panel would no longer be responsible for making a decision on the application; rather, their responsibility is to examine the application and report their findings and conclusions to the Secretary of State, who will make the decision.
- 1.11 This report sets out those findings and conclusions and the Panel's recommendation as to the decision to be made on the application in accordance with s83(1) of the Planning Act 2008.
- 1.12 The application is an Environmental Impact Assessment development as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. It was accompanied by an Environmental Statement (ES). Additional environmental information was supplied during the course of the examination. In reaching our conclusions and recommendation, the environmental information as defined in Regulation 2(1)

(including the ES and all other information on the environmental effects of the development) has been taken into consideration.

- 1.13 The Secretary of State is the Competent Authority for the purposes of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). The findings and conclusions on the issues affecting European sites reported by the Panel are intended to assist the Secretary of State in making the Appropriate Assessment under the Habitats Regulations.
- 1.14 The preliminary meeting was held on 21 March 2012 at which the Applicant and all interested parties were able to make representations to the Panel about how the application should be examined. The Panel's procedural decision, under Rule 8 of the Infrastructure Planning (Examination Procedure) Rules 2010 (the Rules), was issued on 27 March 2012 (PDEC05). At the same time, the Panel also issued their first written questions directed at the Applicant, the Office for Nuclear Regulation (ONR) and jointly to West Somerset District Council, Sedgemoor District Council and Somerset County Council (the joint Councils).
- 1.15 Following their letter of 9 March 2012 to the IPC (HE001), the Applicant announced at the preliminary meeting that they wished to make changes to the application documents, plans and ES. The Applicant described these changes as 'corrections and minor changes'. The approach to be adopted for handling the proposed changes was set out and agreed with the Panel at the preliminary meeting and reported in the procedural decision.
- 1.16 The proposed changes were subsequently advertised in local newspapers and 'Addendum Documents' placed on deposit. Having considered the proposed changes, the Panel concluded that they should be accepted for consideration in the examination as part of the development proposed (PDEC08). The examination proceeded accordingly.
- 1.17 The Panel carried out an initial (familiarisation) site inspection of the proposed main power station site and the proposed associated development sites in the company of interested parties on 11 and 12 April 2012. A further accompanied site inspection was undertaken on 12 September 2012. During the examination, the Panel members also undertook a number of unaccompanied site visits, either individually or with other Panel members present.
- 1.18 During the course of the examination several hearings were held. These included open-floor hearings at Cannington, Combsich, Bridgwater and Stogursey; issue-specific hearings into the Development Consent Order (DCO) and requirements/obligations, socio-economic matters, traffic and transportation matters, Habitats Regulations Assessment (HRA) matters and ecology, and

Combwich. A further hearing was also held specifically to consider compulsory acquisition matters.

1.19 The examination closed on 21 September 2012.

1.20 Further details of the main examination events can be found in Appendix A.

Requests for Further Information made by the Panel

1.21 During the course of the examination the Panel made several requests to the Applicant and other interested parties for documents and information that we considered would aid our understanding. These requests were generally made under Rule 17 of the Examination Procedure Rules.

1.22 On each occasion the Panel considered the documentation and information received and, where appropriate, invited interested parties to comment on it.

Other Consents

1.23 Before making its application for a DCO, the Applicant applied separately to WSC for planning permission to carry out fencing, site clearance, earthworks and other works on the proposed power station site. Conditional planning permission for these works was granted in January 2012 by the Council (the 'preliminary works permission' (PD001)). The Applicant also applied to the Marine Management Organisation (MMO) for a Harbour Empowerment Order and the licences required to enable construction of a jetty at the site. These were granted by the MMO in July 2012, subject to conditions (PD090-PD093).

1.24 In order to build and operate the proposed power station many more consents and licences will be required (in addition to the DCO which is the subject of this report). The principal ones include:

Office for Nuclear Regulation

- Nuclear Site Licence.

Environment Agency

- Permits to discharge and dispose of radioactive wastes
- Permits to discharge cooling water and liquid effluents into the Bristol Channel.

Marine Management Organisation

- Marine Licences (Construction of cooling water intake and outfall structures)

- Marine Licences (Dredging of material associated with works to construct the cooling water and outfall structures).

1.25 By the time the examination closed, applications had been made for all of the above.¹

Obligations

1.26 Following discussion with the main parties at the issue-specific hearing on 17 and 18 July, we issued a procedural decision specifying the timetable for submission of any s106 Obligation that the parties wanted the Panel to consider during the examination, and for interested parties to comment on it.

1.27 In due course, a s106 Agreement was concluded between the Councils, the Applicant and the owners of the main power station site. It is a complex and weighty document, the main terms of which are summarised in an explanatory note issued by the Applicant (PD109).

Structure of the Report

1.28 Chapter 2 sets out the main features of the proposed development and Chapter 3 summarises the policy context applicable to it. Chapter 4 sets out the Panel's findings and conclusions in respect of each of the main considerations and the other potentially important and relevant matters identified by the Panel. Chapter 5 assesses the application against the Habitats Regulations. Chapter 6 contains the Panel's conclusions on the planning case for the proposed development.

1.29 Chapter 7 considers compulsory acquisition matters and Chapter 8 the representations made on the DCO and the s106 Agreement. Chapter 9 sets out our overall conclusions and recommendation to the Secretary of State.

1.30 The main 'events' occurring during the examination and the main procedural decisions taken by the Panel are listed in Appendix A. Appendix B lists the documents submitted by the Applicant and others in connection with the Application, with the references used in this report. Appendix C sets out our detailed consideration of the requirements. Appendix D comprises the DCO as finally proposed by the Applicant, marked up to show the changes that we recommend the Secretary of State should make. Appendix E contains a list of the main abbreviations used in the report.

¹ The Nuclear Site Licence was subsequently granted by the ONR on 26 November 2012.

2 THE APPLICATION

Outline of the Proposal

- 2.1 This application is for a Development Consent Order (DCO) to construct and operate a nuclear power station comprising two European Pressurised Reactor units and supporting development at Hinkley Point in Somerset (Hinkley Point C). Each unit would be capable of producing around 1,630 MW of electricity, giving a total generating capacity of 3,260 MW (Works 1 and 2).
- 2.2 In addition to the main power station, the DCO also includes several associated developments. These would be used mainly to facilitate the construction of the power station. They comprise:
- The refurbishment of an existing wharf at Combwich and provision of an associated freight storage area (Work 8).
 - The provision of 2 accommodation campuses in Bridgwater and one on the main site (Works 3, 4 and 5).
 - The provision of freight management facilities near to J23 and J24 of the M5, together with park and ride sites for workers to use (Works 9 and 10).
 - The provision of further park and ride sites at Cannington and Williton (Works 7 and 11).
 - The provision of a bypass at Cannington (Work 6).
 - The provision of a temporary jetty at the site (Work TJ).
- 2.3 On completion of construction, the park and ride facilities at Williton, Cannington and Junctions 23 and 24 of the M5 would be removed as would the freight management facilities and other development on the J23 site and the temporary jetty. The proposed construction campus buildings in Bridgwater (Bridgwater A and C) and on the main site would no longer be required. At Combwich the proposed freight storage area would be removed, but the refurbished wharf would be retained for occasional use in connection with the ongoing delivery of any abnormal indivisible loads required by the operational power station. The proposed new bypass for Cannington would be retained.
- 2.4 Also proposed are several highway junction improvements designed to reduce the impact that construction traffic associated with the development would have on the existing highway network (Works 12 to 22). All of these would be retained.
- 2.5 A plan showing the location of the Hinkley Point C site and the associated development sites is included within the Environmental Statement (ES) that accompanied the application (APP094, Plate 1.1). Further details of the proposed development on each site can also be found in the relevant volumes of the ES and on the drawings submitted with the application.

The Main Site

- 2.6 The site for the proposed power station is located at Hinkley Point on the Somerset coast, immediately to the west of the two existing nuclear power stations (Hinkley Point A and Hinkley Point B).
- 2.7 The total site occupies an area of approximately 175ha. Of this, the proposed power station would occupy approximately 67.5ha. The remainder of the site would be primarily required during the construction period only and would include a 530 bedspace accommodation campus. When construction is complete, it would be landscaped and returned to agricultural or amenity uses.
- 2.8 Land within the site was until recently mainly in agricultural use, with some woodland. It is gently undulating and crossed by two streams that run from west to east. Existing ground levels range from around 10m to around 35m above ordnance datum (Newlyn) (AOD). There were previously several farm buildings on the site, but these have now all been demolished. Several public rights of way (PRoW) formerly crossed the site and the South West Coastal Path ran along the foreshore on its northern edge, but these were recently closed, and the site fenced off to secure it in advance of the site preparation works that are now underway. These were authorised by a planning permission granted in January 2012 by the local planning authority (see para 1.23 above).
- 2.9 The closest settlements to the site are the hamlets of Shurton, Knighton, Burton and Wick. Stogursey lies approximately 1.5 km to the south of the main site boundary. Combwich and Cannington lie approximately 5km and 8km respectively to the south-east. The nearest main town, Bridgwater, is approximately 12km south-east of the site.
- 2.10 Further details of the site and its surroundings can be found in the ES that accompanied the application (APP095, Chapter 2).

Transport Links to the Site

- 2.11 The main access road serving the Hinkley Point site is the C182 which runs from the site, through Cannington, to join the A39 at roundabouts located to the south and west of the village. The A39 links Minehead in the west to Bridgwater in the east. Within Bridgwater it links to the A38 which in turn links to the M5 at two junctions located to the north and south of the town (Junctions 23 and 24).
- 2.12 The closest mainline railway to the site is the line running from Bristol to Taunton and the South West, which passes through Bridgwater.

The Associated Development Sites

2.13 Full descriptions of the associated development sites can be found in the relevant volumes of the ES submitted with the application. In summary they comprise:

- **The Combwich Wharf site**, located to the south of Combwich on the west side of the River Parrett. It comprises an existing facility for unloading abnormal indivisible loads (AILs) brought in by barge. A private access road connects the Wharf to the C182. Included in the proposals at Combwich is a (temporary) freight storage area on open farmland land to the south of the access road.
- **The Bridgwater A site**, comprising some 13.8ha of land fronting the A39 in Bridgwater. The northern section of the site was formerly occupied by the Innovia Cellophane factory, but this has now been demolished. The southern section of the site contains various sports facilities operated by the Bridgwater Sports and Social Club. The site is part of the proposed North East Bridgwater development which has outline planning permission for housing, employment and other mixed uses (PD027).
- **The Bridgwater C site**, a 1.9ha site close to Bridgwater A. The main part of the site contains a rugby pitch used by Bridgwater and Albion Rugby Football Club as a training pitch.
- **The Junction 23 site**, comprising approximately 20.6ha of mainly agricultural land adjacent to Dunball roundabout on the A38.
- **The Junction 24 site** within the Huntworth Business Park. It comprises parking areas and buildings previously used by Safeway as a distribution centre.
- **The Cannington park and ride site**, located on land to the south of Cannington. It is bounded by the A39 to the south, agricultural fields to the north and east and a flood relief channel to the west. It currently comprises agricultural land used for grazing.
- **The Williton park and ride site**, which is the major part of a former HGV lorry park on the west side of the B3190 around 1km north of the junction with the A39.
- **The Cannington bypass**, proposed to run on the western side of Cannington and connect the A39 to the C182. Currently it comprises mainly open undulating agricultural land.

2.14 In addition to these associated development sites, the DCO contains proposals for highway improvements to increase the safety and/or capacity of several road junctions between the main site and the M5. Full descriptions of the proposals for each of these junctions can be found in the application documents.

Programme for the Development

- 2.15 The application documents included an indicative construction programme showing the expected durations and timing of all the major works components.
- 2.16 The programme (APP094, Plate 2.1) shows work starting on the site preparation earthworks in late 2011, followed by work on the temporary jetty in mid 2012. The main works on site that would be authorised by the DCO are shown as beginning at the start of 2013. The first reactor unit is shown as entering operation at the beginning of 2019, followed 18 months later by the second unit in mid 2020.
- 2.17 By this time the programme anticipates that most on site works would be complete. However, construction of the spent fuel store is shown as expected to continue until the end 2022. Final landscaping of the site is, we understand, intended to be progressive as the main works contractors vacate the site.
- 2.18 Works on the main associated development sites are all shown on the programme as commencing at the beginning of 2013, with the exception of the Comwich freight storage area which the programme shows as starting a year later. The duration of these works is variable and, we understand, is dependent on the amount of work involved in each case. The J24 site is shown as becoming operational first, in mid 2013, followed later that year by the Williton and Cannington park and ride sites. Cannington bypass is scheduled for completion in autumn 2014.
- 2.19 The programme was optimistic with respect to the dates shown for starting the site preparation contract and construction of the temporary jetty and the follow-on works. Furthermore, delays that occurred in removing asbestos from part of the site resulted in the Applicant announcing that the main preliminary earthworks would not begin until early in 2013, approximately one year later than originally planned.
- 2.20 Given this, and having regard to various concerns raised with us by interested parties,¹ we asked the Applicant to submit a revised construction programme. It was duly provided (REP012).
- 2.21 The revised indicative programme followed the same format as that contained in the ES. Relative to the original programme, the start dates for the temporary jetty works and main construction works on site are shown as delayed by one year. Subsequent works on the main construction site are similarly shown as delayed by a year, as are the dates shown for reactors 1 and 2 entering service.

¹ Notably the residents of Cannington who sought to have the bypass complete and open to traffic before the main site works could begin.

- 2.22 Off-site, the start of works on most of the associated development sites (including Cannington bypass) is shown as mid 2013 – some 6 months later than originally planned. Accordingly, these works would be completed significantly earlier relative to the start of the main construction works than was expected when the application was made.
- 2.23 Critically, the construction of the Combwich freight laydown area is shown on the revised programme as following the completion of the Cannington bypass with the start delayed to spring 2014.¹ The effect of this change in the programme sequence would be to reduce the number of heavy goods vehicles (HGVs) that would need to pass through the village before the Cannington bypass is completed. This we welcome.
- 2.24 The commentary supplied with the amended programme explained that the off-site highway improvement works are generally expected to start early in the construction period, but with some works in close proximity to each other staggered to avoid congestion. We see this approach, which would be secured by an undertaking contained in the s106 Agreement, as acceptable.

¹ A requirement was subsequently offered to secure this (see Appendix C, Requirement C3B)

3 LEGAL AND POLICY CONTEXT

Introduction

- 3.1 The proposal is a nationally significant infrastructure project (NSIP) by virtue of being an electricity generating station with a capacity of more than 50 MW (Planning Act 2008, s15), a type of development for which National Policy Statements (NPSs) are in effect. Accordingly, the principal policy basis against which the proposal must be decided is that set out in the relevant NPSs (the Act, s104(3)). Whilst other policies, including those contained in the development plans for the area, may constitute matters that the Secretary of State may regard as important and relevant to the decision, the primacy of the National Policy Statements is clear (the Act s104(3) and NPS EN-1, para 1.1.1). Indeed, in the event of a conflict between policies contained in any other documents (including development plan documents) and those contained in an NPS, those in the NPS prevail for the purposes of decision making on nationally significant infrastructure (NPS EN-1, para 4.1.5).
- 3.2 Given this, this section of the report focuses on what we see as the most relevant policies in the two National Policy Statements that are applicable to the development proposed (the Overarching National Policy Statement for Energy (NPS EN-1) and the National Policy Statement for Nuclear Power Generation (NPS EN-6 – in two volumes). These were formally designated as statements of national policy and presented to Parliament in accordance with s5(9) of the Planning Act 2008 in July 2011.

Need for New Generating Stations

- 3.3 Part 2 of NPS EN-1 sets out the policy context for the development of nationally significant energy infrastructure. It reflects the Government's commitment to cutting greenhouse gas emissions and the desire to improve the security, availability and affordability of energy through diversification away from an economy largely reliant on fossil fuels. It sets out the need to replace a significant part of the UK's current generating capacity and the role that the electricity market reforms are expected to play in helping to achieve the Government's objectives. It concludes that it is critical that the UK continues to have secure and reliable supplies of electricity as the transition is made, and states that to manage the risks to achieving security of supply, the country needs, amongst other things, a diverse mix of technologies and fuels.
- 3.4 The need for new nationally significant electricity infrastructure projects is set out in more detail in section 3 of the NPS. Whilst measures to reduce demand for electricity are noted as a key element of the Government's strategy for meeting the country's energy and climate change objectives, the NPS notes that the

savings such measures could make are expected to be offset by increases in other areas. Similarly, whilst the Government believes that decentralised and community energy systems, more intelligent use of electricity and more interconnection with continental electricity systems should be actively pursued, the Government's view is that the effect on the need for new large scale energy infrastructure will be limited.

- 3.5 On the need for nuclear generating capacity, paragraph 3.5.1 of NPS EN-1 notes that the Government believes that there is an urgent need for new electricity generation plant, including nuclear plant. Paragraph 3.5.2 of the NPS notes that it is Government policy that new nuclear power should be able to contribute as much as possible to the UK's need for new generating capacity. The role that Government expects nuclear power stations to play in ensuring a diverse mix of technology of fuel sources, and in decarbonising the UK's energy supplies, is amplified in paragraphs 3.5.3 to 3.5.8 of the NPS.

The Urgency of the Need for New Nuclear Power

- 3.6 Given the above, paragraph 3.5.9 of NPS EN-1 notes that *'it is important that new nuclear power stations are constructed and start generating as soon as possible and significantly earlier than 2025'*. Similar sentiments are expressed in paragraph 2.2.2 of NPS EN-6.
- 3.7 Paragraph 2.2.1 of NPS EN-6 advises that the decision makers *'should assess applications for new nuclear power stations on the basis that the need for such infrastructure has been demonstrated'*. Paragraph 2.2.4 advises that when considering an application for a new nuclear power station that is capable of deployment by a date significantly in advance of 2025, substantial weight should be given to the benefits (including the benefit of displacing carbon dioxide emissions) that would result from the application receiving development consent.

Policy on Siting of New Nuclear Power Stations

- 3.8 The site of the proposed nuclear power station at Hinkley Point is one of the eight sites identified by Government in NPS EN-6 as potentially suitable for the deployment of new nuclear power stations by the end of 2025.
- 3.9 In this regard, section 2.4 of the NPS makes it clear that eight sites were chosen as potentially suitable, in order to allow sufficient flexibility to meet the urgent need for new nuclear power stations whilst at the same time enabling development consent for any particular site to be refused, should it be considered appropriate to do so.
- 3.10 'Competition' between the eight sites in the sense of whether one or other is 'superior' is not envisaged. Indeed, paragraph 2.5.5 of

the NPS advises that an application on a listed site should be judged on its own merits and that a comparison with any other listed site is unlikely to be important to the decision on whether to grant development consent.

Other Considerations

- 3.11 Notwithstanding the policies in favour of granting development consent for new nuclear power stations noted above, the NPS is nonetheless clear that the decision as to whether any particular proposal should be granted consent, should depend on how the proposal measures up against a range of impacts identified as potentially associated with new power stations in NPS EN-1 and NPS EN-6. This accords with s104(3) of the Act, which requires applications for nationally significant infrastructure to be decided in accordance with any relevant NPS except where, amongst other matters, the adverse impact of the proposed development would outweigh its benefits.
- 3.12 As to the weight that should be attributed to the various strands of policy that are engaged by the proposal, it is clear that the policies in the relevant NPSs are the primary yardstick against which proposals for NSIPs should be decided. There are nonetheless numerous other policy sources that fall to be considered, where appropriate, as other matters that the Secretary of State may regard as important and relevant to the decision. At the national level these include statements of Government policy, including those found in the National Planning Policy Framework (NPPF).¹ At the local level they include policies in the regional, county and local plans for the area and those contained in supplementary planning guidance. These are summarised in the planning statement submitted with application (APP295) and in the local impact report submitted by the joint Councils (PD045 et seq).

¹ At the time the application was made the NPPF had not been finalised. It was published on 27 March 2012 at which time most of the PPSs and PPGs referred to in the application documents were withdrawn.

4 THE MAIN MATTERS – FINDINGS AND CONCLUSIONS

THE MAIN ISSUES

- 4.1 Our initial assessment of principal issues prepared in accordance with s88 of the Planning Act 2008 and Rule 5 of the Infrastructure Planning (Examination Procedure) Rules 2010 was published with the letter inviting all interested parties to the preliminary meeting (PDEC03). Having regard to the representations made at that meeting and all other considerations that came to our attention before and after the meeting, the principal issues were refined as follows:
- **Traffic and Transportation Matters**, including particularly the effect that traffic generated by the proposal during construction would have on the highway network serving the site.
 - **Socio-economic Effects**, including particularly the effects the proposal would have on jobs and skills, businesses, tourism, the local housing market, public services and the communities affected by the proposal.
 - **Landscape and Visual Effects**, including particularly the effect the proposal would have on the landscape, the Quantock Hills AONB and the appropriateness of the mitigation proposed.
 - **Stogursey**, including particularly the effect the proposal would have on the living conditions of nearby residents.
 - **Combwich**, including particularly the effect the proposal would have on the living conditions of nearby residents.
 - **Cannington**, including particularly the effect that traffic generated by the proposal would have on the living conditions of the residents of Cannington.
- 4.2 These are considered, matter by matter, in the subsequent sections of this chapter.
- 4.3 At the preliminary meeting and subsequently, many other matters were also drawn to our attention as potentially important and relevant to the Secretary of State's decision on the proposal. These are also considered in this chapter, in alphabetical order, in the section following the principal issues identified above (**'Other Matters'**).
- 4.4 Other matters of particular importance to the examination which we identified were:
- The potential for the proposal to affect the integrity of nearby European sites designated for their conservation value (**Habitats Regulations Matters**).
 - Whether there is a compelling case in the public interest for granting the compulsory acquisition powers sought in the draft order (**Compulsory Acquisition Matters**).

- What changes should be made to the draft Development Consent Order (DCO) submitted with the application (including the requirements contained in Schedule 11 thereto) in the event that the Secretary of State decides to make the Order (**The Proposed DCO and s106 Agreement**).
- 4.5 Each of these matters is considered in a subsequent chapter of this report.
- 4.6 In reaching our decision as to what issues we should consider, we also had regard to the guidance in the National Policy Statements and elsewhere as to how we should approach matters that are the primary responsibility of other regulators. NPS EN-1 (s4.10) and NPS EN-6 (s2.7) note the roles and responsibilities of other regulators and require that, when considering an application for a DCO, the decision maker should act on the basis that the relevant licensing and permitting regimes will be properly applied and that duplication of matters within the remit of the Nuclear Regulators should be avoided. Decisions on DCOs should furthermore not be delayed, pending completion of the licensing or permitting process (NPS EN-6, para 2.7.3). Neither should they be refused on the grounds of matters within the remit of other regulators unless there is good reason to believe that any necessary licence, permit or authorisation would not subsequently be granted (NPS EN-6, para 2.7.5).
- 4.7 In making their representations, many parties raised concerns regarding nuclear safety matters that are within the remit of other regulators, or concerns regarding matters of Government policy on nuclear energy. As set out in Chapter 1 of this report (see paras 1.5 and 1.6) where the opportunity arose, we advised those making such representations of the limits of our remit and suggested that they may wish to address their concerns elsewhere (such as to the Office for Nuclear Regulation (ONR) or to Government through their elected representatives).
- 4.8 Concerns raised with us by interested parties, but not subsequently addressed in this report, include (i) the risk of the site being affected by flooding (from rising sea levels, tsunami, storm surge or coastal change) and thereby compromising nuclear safety; (ii) the ability of the local road network to safely accommodate traffic in the event of a nuclear emergency arising on the site (including the possibility of such an emergency coinciding with another event such as an accident on the highway that would compromise its capacity); (iii) matters relating to the discharge of cooling water and the like from the site (including matters relating to the quality of such discharges); (iv) matters relating to the facilities available for the storage of nuclear waste on site (including the potential need for long-term storage of nuclear waste awaiting disposal); and (v) matters arising from the site's location adjacent to Hinkley Point A and B nuclear sites.

- 4.9 These are all matters which, having regard to the advice in the relevant NPSs and advice received from the ONR (REP008), we are firmly of the view that it is for others to consider and regulate.
- 4.10 With regard to the advice in para 2.7.5 of NPS EN-6, we were advised by the ONR that they have not *'so far identified any fundamental shortcomings that we consider should prevent the grant of a nuclear site licence to NNB Genco in due course'* (WREP56).¹ We were further advised by the EA that they had assessed the Applicant's applications for environmental permits to discharge and dispose of radioactive wastes, cooling water and other liquid effluents and to operate standby diesel generators and had concluded that there were no reasons why they should not issue all three permits (REP101).

¹ Our understanding is that the licence was subsequently granted on 26 November 2012.

TRAFFIC AND TRANSPORTATION MATTERS

Introduction

- 4.11 The Applicant's proposals for managing and mitigating the effects of bringing materials and workers to the site during the construction period are complex. In outline they propose to:
- Construct a temporary jetty at the main construction site, to be used principally to bring aggregates and cement for concrete making to the site during the construction period.
 - Refurbish the existing wharf at Combrich to bring in abnormal indivisible loads (AILs) and other construction materials by sea. Associated with this is a temporary storage area for AILs and general construction materials (the laydown area).
 - Provide freight handling and consolidation facilities close to junctions 23 and 24 (J23 and J24) of the M5 for processing construction materials arriving by road prior to onward travel to the site.
 - Provide park and ride sites for workers to use at each of the freight handling and consolidation sites and also at Cannington and Williton.
 - Provide traffic management measures within Cannington, followed by a new bypass, to the west of the settlement.
 - Provide buses for workers connecting the main construction site to the proposed accommodation campuses in Bridgwater; to the main urban areas around the site and to the park and ride sites.
 - Improve several highway junctions in Bridgwater and elsewhere on the main roads leading to the site.
 - Limit the amount of parking available on site so as to reduce the opportunity for workers to drive to the site and 'force' them to travel to work using a workers' bus, either direct from a location close to where they live or via one of the park and ride sites.
- 4.12 The traffic management strategy that these physical works would support is set out in a Construction Workforce Travel Plan and a Construction Traffic Management Plan. Both of these were put before the Panel and their implementation would be secured by the s106 Agreement (PD112, Schedule 11). Section 7 of Schedule 11 to the s106 Agreement would operate to ensure that the Applicant uses reasonable endeavours to complete the physical improvements to the road network included in the DCO, with the junction improvement works timed in accordance with a detailed plan agreed with the Councils.¹

¹ It should be noted that some of the off-site highways works included in the DCO are also required by the planning permission for the preliminary works. In practice these are likely to be complete before the Secretary of State decides whether or not to make the DCO. The remaining improvements are

- 4.13 With the exception of the Cannington bypass, the Combwich Wharf and the junction improvements, all the above proposed facilities would be temporary and would be removed following completion of the power station construction.
- 4.14 The overall aim of the proposals is to limit the amount of traffic that would be generated during the construction period to that which the existing road network could accommodate (with the improvements proposed). To this end, the s106 Agreement contains provisions that would regulate the number of heavy goods vehicles (HGVs) allowed to travel to and from the site and the routes they would be permitted to take. The s106 Agreement would also operate to ensure that the freight management facilities and park and ride sites would be delivered in a timely fashion. The number of worker parking spaces on the site would be limited by a requirement (see Appendix C, Requirement MS5).
- 4.15 In their representations, many people question the appropriateness of the strategy proposed. Their main concerns centre on the proposal to route traffic via the existing road network through Bridgwater and not to provide a new link road from a point close to J23 (Dunball) to the existing roads near to Cannington (ie a 'Bridgwater northern bypass'). Other interested parties raise concerns regarding the proposal to use the jetty on the site principally for concrete making materials (and not to provide an alternative design of jetty capable of handling a range of materials). Others seek restrictions on the type of goods permitted to be imported via Combwich and/or the Applicant's proposal to allow goods arriving by road to be stored on the Combwich laydown area (as opposed to goods arriving only by sea).
- 4.16 In considering the adequacy of the proposals we have had regard to these representations. This consideration has, however, necessarily been limited to considering the adequacy of the proposals that the Applicant has put forward (ie the proposals contained in the DCO applied for), as opposed to considering alternatives that might have been proposed but which were not. In simple terms, this is because the powers open to the Secretary of State are to make the DCO essentially as applied for or to refuse to do so. It would not be open to him to make an order granting consent for the project, but in a materially different form to that applied for (eg a nuclear power station on the site, but with a different transport strategy including a Bridgwater northern bypass).
- 4.17 This part of the report proceeds on this basis. In the subsequent sections we consider initially the appropriateness of the traffic and

expected to start no later than four months after the DCO is made except where they need to be staggered to avoid congestion (where several improvements are proposed near to each other) (PD113, Annex 14).

transportation strategy proposed by the Applicant. This is then followed by a section in which we consider a number of more detailed objections to individual aspects of the proposals.

The Principle of the Proposed Strategy

- 4.18 As noted above, many interested parties suggest in their representations that the transport strategy proposed by the Applicant is fundamentally flawed. In their view, a Bridgwater northern bypass is necessary to alleviate the delays and traffic chaos that would result from construction traffic passing through Bridgwater. These views were plainly strongly held and were, in many cases, expressed despite the party's support in principle for a new nuclear power station at Hinkley Point.
- 4.19 As to the merits of the point made, we saw very little by way of evidence to support the view that traffic 'chaos' would result in Bridgwater without the bypass; rather, there were many general 'assertions' that this would be the case. In support of their views, several interested parties pointed out that, when a nuclear power station on the site had previously been considered, a new road from Dunball to the site had been a part of the proposals.¹ That this is so is not in dispute; neither is there any doubt that traffic has increased significantly since the previous proposal was considered. However, the Government's policies for roads, underpinned by sustainability and other considerations, have fundamentally shifted in the intervening period. Building new roads is now not favoured except where unavoidable; rather, the policies strongly favour proposals which maximise the use of water and/or rail to transport goods and which alleviate potential traffic congestion by managing demand, particularly at times when the network is congested. This is reflected in paragraph 5.13.8 of NPS EN-1.
- 4.20 Measures that might be appropriate to manage demand on the highway network include proposals to control the number, routing and timing of HGVs travelling to and from the site and measures to limit and control the number of journeys made by workers at the site. Both would be delivered by the Applicant's proposals, together with a package of highway improvements at road junctions in Bridgwater and elsewhere. The proposals also include measures to encourage water-borne transport, as opposed to road transport, in accordance with NPS EN-1 paragraph 5.13.10.
- 4.21 Given this, we conclude that there is no reason to criticise the proposed transport strategy in principle. Indeed, we find it to be in general accord with Government policy. Notwithstanding this, the policies are clear in that, whilst demand management measures are preferred over new transport infrastructure, this is only so

¹ A nuclear power station on the Hinkley Point C site was previously proposed by the CEGB. However, it did not proceed.

where such measures are both feasible and operationally reasonable. Plainly, if demand management measures alone are insufficient to adequately mitigate the effects of construction traffic, other measures have to be considered, including improvements to existing roads and new roads where appropriate.

Network Resilience

- 4.22 A second concern that was raised with us in several representations is the 'resilience' of the network serving the proposed power station. In essence, it was pointed out that there is effectively only a single road connecting Bridgwater to the power station site (the A39 between Bridgwater and Cannington and the C182 from Cannington to the site). We were told that at times, when the A39 is closed for any length of time, traffic chaos ensues. We have no doubt that this is the case, given the volume of traffic that uses the road and the lack of any suitable alternative route over much of its length outside the urban area. Severe congestion can also occur if, for any reason, the C182 is blocked between Cannington and the site.
- 4.23 There is no doubt in our minds that this situation is not completely satisfactory and we can understand the position of those interested parties who question how the roads would cope if there were to be an emergency on the proposed power station site at the same time as the road is blocked. However, as noted previously (see para 4.7 et seq above), nuclear safety at the site is a matter for the ONR; and in their response to our first written questions, they confirmed that arrangements for dealing with an emergency on the site is a factor that they would be considering (REP008).
- 4.24 At the point of granting a nuclear site licence and subsequently during construction, the ONR would expect the Applicant to have arrangements in place for dealing with any accident or emergency on the site and its effects, including radiological effects. Planning for emergencies would also be regulated by the ONR as the organisation responsible for enforcement of the Radiation (Emergency Preparedness and Public Information) Regulations 2001. The potential for dealing with an emergency at a time when the proposed site is operational, is therefore not a matter that we have considered further. Similarly, we are satisfied that the arrangements for dealing with an emergency arising on either of the two existing nuclear sites at Hinkley Point is a matter that falls to be considered by the ONR.
- 4.25 Notwithstanding this, we have considered the potential for construction traffic going to and from the site to increase the risk of accidents occurring and/or the severity of delays on the road during the construction period (see para 4.74 et seq below).

The Adequacy of the Proposed Road Improvements

- 4.26 The adequacy of some of the road improvements proposed is addressed at length in the traffic assessment submitted with the application (APP155). During the course of the examination this was updated mainly to take into account various concerns expressed by the highway authority regarding the detailed traffic modelling (APP302).
- 4.27 The traffic assessment is a detailed document. It focuses on the potential effects of traffic that would be generated in the construction period on the roads through Bridgwater in the peak periods. The 'base model' takes as its starting point measured traffic flows on the existing highway network and uses these to 'calibrate' the model (ie to ensure that it produces results that are sufficiently consistent with the observations of traffic behaviour). Having achieved this, the model is then used to predict the performance of the network in three future years: 2013 (the early stage of development, when work on the main site is expected to have started but not all associated development would be complete (including the Cannington bypass)); 2016 (the peak construction year); and 2021 (the time when the development is expected to be substantially complete but some work would still be ongoing).
- 4.28 For these years the highway network is modified to take account of the junction improvements proposed by the Applicant (insofar as they are expected to be complete at the time considered). The predicted traffic that the development would generate is also added, together with increases in 'background' traffic that are expected to arise due both to general traffic growth and other planned development in the area. The model is then run and the predicted 'with development' and 'reference case' outputs compared.
- 4.29 The conclusions in essence are that in 2013 traffic congestion in Bridgwater would increase but not by a large amount.¹ In 2016, whilst queuing at some junctions would be slightly increased with the proposed development, at others, there would be a decrease in overall journey times. Average speeds on a range of typical routes across the town, would remain broadly constant compared to the 'without development' scenario. In 2021, by which time the development is expected to be largely complete, the model concludes that the congestion on the highway network would be less with the highway improvements proposed than would otherwise be the case.

¹ As an example, average traffic speeds in the morning peak period are expected to decrease from an average of 34.1mph to 32.4mph. In the afternoon and early evening period they are expected to reduce from an average of 28.9 to 28.1mph (APP302, Table 2.12)

- 4.30 Plainly, any traffic model has its limitations. The nature of traffic is that it varies from day to day as does the resulting level of congestion, particularly in urban areas. The quantum and timing of traffic that the development would generate is also not completely certain at this stage, and a number of assumptions were necessary to derive the forecast traffic levels to be input to the model. These were debated by the Applicant's modellers and the representatives of highway authorities who scrutinised their work and it is our understanding that, whilst technical agreement was reached on most points, some matters were not finally agreed. Notwithstanding this, having ourselves considered the points at issue, we are satisfied that the model (which the highway authority accepted as fit for purpose) generally assumes traffic levels for the development that are realistic, or err towards a 'worst case' situation.¹
- 4.31 With regard to the adequacy of the proposed road improvements, the results of the modelling show broadly that, with the improvements in place, traffic conditions in Bridgwater during the construction of the power station would not be materially worse than would otherwise be the case. In the early years, before the junction improvements are completed, there would be an increase in congestion, but this would not be severe. Overall, the evidence is that the proposed mitigation measures, (including both the proposed junction improvements and the other measures that would be secured by requirements or planning obligations to limit the effects of traffic generated by the development), would be such that substantial impacts on the surrounding network would be avoided.
- 4.32 On the C182 few junction improvements are proposed between Cannington and the site, and several interested parties expressed concerns that the additional traffic that would use the road during the construction phase would cause them to be delayed at junctions leading onto the road. However, there is no evidence to suggest that this would be the case.
- 4.33 The joint Councils' agreement that the project would be acceptable from the traffic viewpoint, with the mitigation that would be secured through the s106 Agreement and the requirements 'offered' by the Applicant, is noted in the Statement of Common Ground (SoCG) concluded between the parties in August 2012 (PD084).
- 4.34 Accordingly, having regard to the advice in NPS EN-1 paragraphs 5.13.6 and 5.13.7 we conclude that there is no reason for the Secretary of State to refuse to make the DCO on this account.

¹ As an example, the model assumed that the number of HGVs travelling to the site would be at the maximum daily level permitted by the s106 Agreement, not at the average value permitted over a three month period.

Other Matters

- 4.35 In their representations many more specific concerns were raised relating to the impact of traffic generated by the proposal. These included:

Cannington bypass

- 4.36 During the examination several parties questioned whether construction of the power station should be permitted before the proposed Cannington bypass is complete and open to traffic. The concern was particularly raised by residents of Cannington who would be affected by traffic passing through the settlement. In raising these concerns they put it that, notwithstanding the mitigation proposed on the existing route through the village, the environmental conditions in the heart of Cannington would be materially worsened, if construction of the power station were allowed to begin before the bypass is opened to traffic.
- 4.37 That this would be so is clear from the traffic modelling, which predicts that in 2013 daily traffic flows on High Street would increase from 2,186 to 3,148 vehicles. This represents an increase of some 56% (APP302, Table 2.5). The nature of the traffic would also change, however, and, whilst at present some 96% of the flow is light vehicles, with the proposed development the percentage of HGVs and buses would increase to around 30%. In our opinion there is no doubt that the environment close to the road would be materially affected. Traffic noise would increase significantly and the ES submitted with the application predicts that the impact would be major adverse (APP095, Chapter 11). A slight adverse impact on air quality is also predicted (APP095, Chapter 12).
- 4.38 The nature of the roads through parts of Cannington, which have some narrow pavements and roadside cottages, adds to the general level of concern; as does the safety of students as they move between college buildings on opposite sides of the main roads through the village.
- 4.39 In terms of road capacity, there is no evidence to suggest that the increases in traffic predicted would cause congestion within the settlement. Notwithstanding this, our conclusion is that safety considerations and the environmental impacts, and particularly the increases in noise from construction traffic passing through Cannington, would nonetheless justify providing the proposed bypass.
- 4.40 As to whether the bypass should be completed before construction of the power station is allowed to begin, plainly the earlier the bypass is open to traffic the greater the benefits that would be secured. We are mindful, however, that a separate planning permission has been granted for site preparation works (PD001)

which does not require the bypass to be provided. There is nothing to prevent these works proceeding in any event, irrespective of any restrictions that the DCO might contain that would control the timing of the bypass vis a vis the commencement of works on the main site. Under this planning permission, HGVs passing through Cannington would effectively be limited by condition to a maximum of 30 two-way movements per hour during the daytime (24 movements per hour during the peak hours).¹

- 4.41 Should the DCO be made, and construction of the proposed power station proceed under the DCO, these numbers could be exceeded. However, the daily number of HGV movements through Cannington would be restricted to a maximum of 750 and an average of no more than 500 (PD112, Schedule 4). The s106 Agreement would also prevent movements between 22:00 and 07:00.
- 4.42 Several further measures were also agreed during the course of the examination that would serve to limit the impact of traffic on central Cannington. In summary these measures (i) require construction of the Cannington bypass to begin at least 6 months before starting construction of the power station buildings (PD112, Schedule 11); (ii) prevent works on the Combwich laydown area commencing in advance of the Cannington bypass being completed (see Appendix C, Requirement C3B) and (iii) would seek to prevent HGV drivers travelling to and from the Hinkley Point C construction sites, driving through the settlement at more than 20mph (PD113, Annex 12).
- 4.43 Construction of the Cannington bypass is expected to take some 21 months to complete (PD113, Annex 14). Accordingly, the maximum time for which HGVs bound for Hinkley Point C would pass through Cannington whilst undertaking works solely consented by the DCO, should be around 15 months. During this time those living near the road would be significantly disturbed, albeit that actual traffic levels would, in all probability, be lower than the maximum permitted.
- 4.44 In part the impact on those living closest to the road would be mitigated by the 'Transport Noise Insulation Scheme' (REP007). This voluntary scheme (introduced by the Applicant) provides for a combination of double or secondary glazing and acoustic ventilation as appropriate to be installed at the most affected properties at no cost to the home owners.² The benefits secured by this scheme would, in our judgement, be significant.

¹ If flows in each of the permitted hours were at their maximum, the condition would permit 318 movements over an 11 hour day.

² The maps showing those properties as potentially eligible for the Applicant's Transport Noise Insulation Scheme shows around 100 properties as eligible.

- 4.45 Overall it is clear to us that, notwithstanding the various mitigation measures that have been and would be put in place to limit the potential impact, the remaining impact could still be significant and adverse. This is not in dispute.
- 4.46 As to whether the harm to the living conditions of those affected and other considerations noted above would be such as to justify further measures by way of mitigation (such as delaying the start of construction of the power station until after the bypass is complete), we are mindful that the evidence is that any delay to the start of construction of the proposed power station would be likely to result in an equivalent delay to its completion and to the date at which it would begin generating electricity (REP012).
- 4.47 NPS EN-1 (para 3.2.3) notes the urgent need for new electricity generation infrastructure, including new nuclear power (para 3.5.1) and advises that 'substantial weight' should be given to considerations of need (ibid). Given this, we conclude that should the Secretary of State be otherwise minded to make the DCO, that course of action should not be reversed on account of the likely effects on Cannington. Neither should additional requirements be imposed on the DCO in order to further restrict the number of HGVs permitted to access the site before the bypass is complete beyond the restriction contained in the s106 Agreement.

Entrance to Cannington park and ride site

- 4.48 In their representations some parties suggested that the location of the entrance to the Cannington park and ride site (on the northern side of the A39 Cannington southern bypass) would reduce the ability of road users to overtake on this section of the road.
- 4.49 We accept that this is so and acknowledge that the Cannington southern bypass is one of a few relatively 'straight' sections of the A39 between Bridgwater and Minehead where cars can sometimes safely overtake slower vehicles. We further acknowledge that the construction of the park and ride entrance in the location proposed would inhibit safe overtaking at this point.
- 4.50 Notwithstanding this we are mindful that, should the park and ride site not be provided, those who would use it (ie workers and visitors travelling to the Hinkley Point C site during construction) would need to make other arrangements. These arrangements would vary from person to person; however, it seems to us that, in general, journey distances would probably be increased. From a sustainability viewpoint this would be undesirable. Accordingly our conclusion is that, on balance, the objections to the park and ride site made on this account should not succeed.

Location of HGV 'control point'

- 4.51 In their representations Otterhampton Parish Council argue that the HGV 'control' point, which the s106 Agreement specifies as being at the junction of the proposed Cannington bypass and the C182 Rodway north of Cannington (PD113, Annex 12), should be moved to a location near to the entrance to the Hinkley Point C site. The reason for this request is to include within the limit all HGVs travelling between the Combwich laydown area and the site (HE191).
- 4.52 As to the merits of the point, we understand that one of the reasons underpinning the submission are concerns relating to the volume of traffic that could use the C182 between the Combwich laydown area and the site, and the potential that this would have to delay residents of Combwich wishing to join the C182 from the single road leading into the settlement (Brookside Road).
- 4.53 Plainly, the merits of the point turn largely on the number of HGVs that would be used to move construction materials between the laydown area and the main site. These would not be restricted by any of the proposed requirements or any provision in the s106 Agreement, and the Parish Council are concerned that the number could be very large.
- 4.54 In practice, however, it seems to us that this is very unlikely given the intended uses of the Combwich laydown area as (i) a temporary storage area for goods delivered by sea and (ii) when space permits and a need arises, as an 'overflow' storage area for construction materials brought in by road to supplement the storage space on the main site. Having regard to this and to the logistical difficulties that would arise should a contractor wish to quickly move large quantities of materials from the laydown area to the site, we see very little potential for a large number of HGVs to be deployed for this purpose.
- 4.55 It follows from this that the impact that any such movement could have on the ability of drivers to exit Brookside Road would not be significant. Accordingly, we see no reason to accede to the Parish Council's request.
- 4.56 Our position in this regard is strengthened by the absence of any capacity analysis for the Brookside Road junction to show that the situation there would be unsatisfactory. Furthermore, simply moving the control point closer to the Hinkley Point C site would have the disadvantage of not 'capturing' traffic between the M5 and the Combwich freight laydown area. Given that the purpose of the restriction is, amongst other matters, to limit the environmental effects of traffic passing through Bridgwater and Cannington, this would not be satisfactory.

Claylands Corner

- 4.57 Claylands Corner is the main junction at the intersection of the C182 and the road leading to Stogursey. Visibility at the junction is currently well below the standards normally required for a junction of its type and the evidence is that the inhabitants of Stogursey widely regard it as hazardous. Having travelled through the junction by car and examined it more closely on foot, we agree.
- 4.58 As to the effect that the proposed development would have on it, traffic on the C182 would increase significantly if the proposal were to go ahead and we accept that this would increase the hazard that already exists at the junction. (In simple terms if more vehicles pass through any junction the risk of a collision at the junction has to be greater).
- 4.59 In order to mitigate this, the DCO provides for the junction to be improved (Work 13). The improvements are limited to the available highway land, however, and there is no doubt in our minds that, even with the improvements proposed, visibility at the junction would remain substandard in the northbound direction for drivers exiting the side road to join the C182.
- 4.60 As to whether further improvements would be justified, our conclusion is that they would not. Visibility at the junction is currently less than satisfactory, and it would be improved if the development were to proceed. Whether this improvement would 'balance' the increase in hazard that the additional traffic would bring is not certain. However, we have no reason to conclude that it would not provide this balance. Accordingly, we see no case for the Secretary of State to require the Applicant to modify the proposed scheme to further improve visibility.¹ Our conclusions in this regard are strengthened by the absence of any objection on the part of the responsible highway authority to the proposed junction improvement scheme at Claylands Corner.

Wembdon Rise

- 4.61 Wembdon Rise and Sandford Hill together connect Homberg Way (the Bridgwater Northern Relief Road) to the A39 at Sandford Corner. The route effectively provides an alternative to the A39 Quantock Road between these points. The width and alignment of the route is variable and some sections of it lack footpaths. In our opinion, it is not a route suited to high volumes of traffic. During the examination it was put to us that the proposed development could lead to it becoming a 'rat run'.
- 4.62 As to the merits of the point, we accept that at present the use of the route by vehicles travelling due west is constrained by the

¹ This could be achieved by, for example, attaching a 'Grampian' condition to any DCO that the Secretary of State makes.

difficulties drivers can experience joining the A39 at Sandford Corner. With the roundabout proposed at that junction (Work 14) this constraint would be removed. Accordingly, there would be a greater incentive for vehicles travelling west to travel via Wembdon Rise and Sandford Hill, as opposed to travelling via the A39. Notwithstanding this, the route via the A39, in terms of its width and alignment, is clearly preferable and we see little or no incentive for drivers to rat run unless for some reason the A39 is heavily congested. In normal circumstances there is no evidence that this would be the case. We therefore see no reason to regard the potential impact on Wembdon Rise as a factor that should be weighed in the balance against the proposed development.

Traffic congestion in Bridgwater

- 4.63 During the course of the examination many interested parties drew attention to the existing levels of traffic congestion within Bridgwater and suggested that, irrespective of the improvements proposed, the levels of congestion would be significantly increased if construction of Hinkley Point C were to proceed.
- 4.64 We understand their position and whenever we visited the town during the course of the examination we took note of the traffic conditions we experienced. We agree that, particularly in the peak hours, traffic congestion does occur and delays can be significant.
- 4.65 But what would be the position should Hinkley Point C proceed together with the associated junction improvements that are proposed? The evidence is that initially journey times and junction delays would increase (see para 4.29 above). However, these delays would subsequently reduce to approximately the levels currently experienced as the various junction improvements are completed (ibid). As construction of the proposed power station nears completion, congestion would reduce to a level that would be similar to or better than would otherwise be the case (ibid).
- 4.66 Of course this evidence is derived from a traffic model and, whilst we have no reason to think that every care was not taken in its construction, we are very aware that traffic may not behave precisely as modelled. 'On the ground' the effects could be different and 'unexpected' congestion may occur at some junctions in Bridgwater. In this regard we share some of the scepticism that several interested parties expressed in their representations.
- 4.67 Notwithstanding this we are mindful, firstly, that the model makes some assumptions that are essentially conservative (see para 4.30 above); and secondly, that the overall strategy was agreed by the highway authority before the end of the examination (PD084). We are further mindful that the s106 Agreement provides specifically for the Applicant to pay up to £5,160,000 for the 'Bridgwater Safety and Capacity Works' (PD112, Schedule 11). This sum, which would be separate from other payments that could be called

on to improve walking and cycling facilities, could be used to fund additional highway improvement schemes in order to alleviate any unexpected congestion that arises. With this in place, we see no reason for the Secretary of State to regard the effect the development would have on traffic capacity in Bridgwater as a factor that should weigh against the proposal.

Effect on non-motorised users

- 4.68 In their representations many interested parties argue that the road improvements proposed for Bridgwater, and the additional traffic that that would be generated during construction of the proposed power station, would make journeys on foot or by cycle (ie journeys by non-motorised users) in the town more difficult. Others argue that the additional traffic that would be using the rural roads leading to Hinkley Point C (and particularly the C182) would make them more hazardous for cyclists and horse riders.
- 4.69 As to the merits of the points made, we accept that in some locations the junction improvements proposed and the additional traffic that would be generated could have an adverse effect on non-motorised users. We are mindful, however, firstly, that the responsible highway authority (whose remit includes making provision for walkers, cyclists and horse riders as well as motorised vehicles) has raised no formal objection in this respect; and, secondly, that the s106 Agreement provides specifically for the Applicant to pay up to £3,175,000 for 'Walking and Cycling Improvements' (PD112, Schedule 11). Where this money would be spent would be primarily for the highway authority (Somerset County Council) to determine and, as such, we anticipate that it would be used to address the most pressing deficiencies in the current network (including, potentially, existing deficiencies). To our minds, this approach is an appropriate response to the matter. Accordingly, we see no reason for the Secretary of State to regard the effect the development would have on non-motorised users, as a factor that should weigh against the proposal.

Damage to the existing highway

- 4.70 In their representations several interested parties express concerns that traffic associated with the proposed development (and particularly HGVs) would be likely to damage existing roads, including particularly the A39 and C182 between Bridgwater and the site.
- 4.71 We accept that some damage is likely to these roads and their verges. We note, however, that the s106 Agreement contains a provision that would require the condition of the HGV routes between the M5 and the site to be regularly assessed and for maintenance works to be undertaken as necessary, to make good any damage caused by power station traffic (PD112, Schedule 11). Given this we see no reason for the Secretary of State to regard

the potential for damage to the existing highway network as a factor that should weigh against the proposal.

Buses – Stogursey

- 4.72 During the course of the examination, concerns were raised regarding the adverse effect that workers' buses destined for the site would have on Stogursey. We observed that the roads through the settlement are narrow in places. Elsewhere, they lack footpaths and it is clear to us that they are not suitable for use by large numbers of HGVs or buses. There are no restrictions in place at present, however, that would prevent such use and, during our visits, we saw several large vehicles, including the school bus, passing along the road.
- 4.73 In response to these concerns, the Applicant agreed that buses to and from Minehead or the park and ride at Williton that are not scheduled to stop in Stogursey to pick up or drop off workers, would be routed via the A39 and C182. They also undertook that buses routed via Stogursey would be no larger than 15 seaters. This would be secured by the s106 Agreement (PD112, Schedule 11). Interested parties welcomed this, but continued to press for smaller 'people carriers' to be used in lieu of the 15 seater buses proposed. In our view, any further restriction along these lines would not be necessary, having regard to the character of the road and its current use. Accordingly, we do not recommend that the Secretary of State should impose an additional requirement to this effect.

Network resilience

- 4.74 The ability of the road network to respond to delays caused by accidents or other incidents is a concern that was raised with us by many interested parties (see para 4.22 et seq above). For the reasons already given, our understanding is that our remit extends only to the consideration of the matter during the construction phase.
- 4.75 As to resilience during the construction phase, there is no dispute that traffic flows on the roads leading to the site would increase if construction proceeds. Given this, it seems to us that a likely outcome of building the proposed power station would be that the number of accidents and similar incidents on the existing roads leading to the site would increase, broadly in line with the increase in traffic flows that would occur during the construction phase.
- 4.76 Turning to the effects of these incidents and potential closures, this is a matter of concern both to those using the roads and to those responsible for managing them and the incidents that could lead to delays or closure (ie the responsible highway authority, together with the police, fire and ambulance services). If the power station construction proceeds, the Applicant, as one of the

main users of the network, would also have a significant 'stake' in ensuring that incidents are managed effectively and delays minimised.

- 4.77 In recognition of this, the various stakeholders met and agreed during the course of the examination a 'Traffic Incident Management Plan' (TIMP). It is modelled on a similar plan put in place for the site preparation and preliminary works contract.¹ It defines an 'incident management area' and sets out, amongst other matters, the roles and responsibilities of the various organisations involved in responding to an incident in that area.
- 4.78 The Applicant's role is set out as '*notifying suppliers of an incident and reducing or stopping further development-related HGV and bus traffic from entering the affected area.*' Where appropriate, measures to be taken would include diverting traffic along agreed diversionary routes or holding HGVs at the site or the freight management facilities at Junctions 23 and 24 and holding buses at the site, the park and ride sites or the off-site accommodation campuses. Requirement PW19 requires the TIMP to be implemented.
- 4.79 In our view, the measures contained in the TIMP are an appropriate response to the concerns raised. Given this, we see no reason for the Secretary of State to regard the resilience of the highways network as a factor that should weigh against the proposal.

Putnell Barn

- 4.80 In a letter dated 2 May 2012 (REP134), consultants acting for the owners of Putnell Barn, Rodway, raise several concerns regarding the design of the proposed junction between the Cannington bypass and the C182, Rodway.
- 4.81 As to the various points made, there is no evidence to suggest that the responsible highway authority for the road (Somerset County Council) shares the writer's concern that there are 'technical deficiencies' with the design proposed, resolution of which would require additional land to be compulsorily acquired. Indeed the highway position statement dated 31 August 2012 (HE199, Appendix 6) signed by the Applicant and the County Council records that the County Council consider the proposal '*acceptable in principle*'. Whilst some minor changes to the proposals are noted as necessary, none relate to the roundabout in question and the position statement notes specifically that none '*result in any change to application site boundaries*'.

¹ A TIMP for the site preparation and preliminary works contract is required by Condition FP8 of the planning permission (PD001).

- 4.82 Given this, we see no reason for the Secretary of State to regard the matter as a factor that should weigh against the proposal.

Frederick Road, Bridgwater

- 4.83 In making their representations, several interested parties express concern at the proposed closure of the junction between Frederick Road and the A39 Bath Road to vehicles.
- 4.84 Strictly, the closure complained of would not be authorised by the DCO. Notwithstanding this, we accept that the effect of providing the proposed access to Bridgwater A is such that closure of the junction would, in all probability, be proposed by the highway authority in due course on safety grounds. As such we regard it as effectively a consequence of the DCO (if made).
- 4.85 As to the merits of the concern, we appreciate that residents and others who currently use the junction would be inconvenienced insofar as the alternative route, via the Trevor Road junction, would require them to travel an additional 350m or so when driving to or from the town centre. However, the relationship between the access to Frederick Road and the proposed access to Bridgwater A would nonetheless be such that, in our view, closure of Frederick Road on safety grounds would be justified.
- 4.86 Given the alternative route available, the absence of any evidence that the Trevor Road junction would be overloaded, and the absence of any objection on this account from the relevant highway authority, we take the view that the matter should attract only very limited weight as a factor that should weigh against the proposal.

Traffic noise within Bridgwater

- 4.87 Traffic bound for Hinkley Point C during the construction phase would increase traffic flows on the designated routes through Bridgwater and hence would increase the associated noise levels.
- 4.88 The extent of these increases was calculated for each of the main traffic routes that would be used by Hinkley bound traffic and the results included in the ES.¹ In summary, it concludes that the changes in traffic flows over the day would not be such as to produce more than a minor adverse increase in noise at any properties in Bridgwater (APP095, Chapter 11).
- 4.89 In the sensitive early morning and late evening hours,² when construction workers would be expected to change shift, the increase in bus flows would be more noticeable. The ES predicts

¹ The traffic noise predictions in the ES that accompanied the application were subsequently updated to take account of changes in predicted traffic flows (APP302).

² ie 05:00 to 06:00 and 23:00 to 00:00.

that major adverse impacts could occur on the A39 Broadway and the A39 east of Sandford Corner. Elsewhere on the A38 and A39 through Bridgwater impacts in the early morning and late evening hours are generally assessed as moderate adverse (APP095, Chapter 11).

- 4.90 Plainly these impacts would be significant and should be taken into account as a factor weighing against the proposal. The routes in question are, however, all main roads and the sections most affected are not characterised by noise sensitive frontage development. The precise timing and number of buses that would serve the early morning and late evening shift changes is, moreover, not certain at this stage and several conservative assumptions were made in the assessment of traffic noise undertaken to support the ES. Accordingly, it seems to us that the weight that should be given to the matter by the Secretary of State in the decision as to whether to make the DCO should be limited.
- 4.91 As to mitigation, some interested parties suggest that the Applicant's 'Transport Noise Insulation Scheme' (REP007) should be extended to those parts of Bridgwater most affected. However, the decision to introduce the scheme was made by the Applicant and any decision to extend its scope would similarly be a matter for the Applicant to decide.

Effect on the Strategic Highway Network

- 4.92 The Highways Agency (HA) is responsible for the strategic road network in England comprising trunk roads and motorways. In the context of Hinkley Point C their interests are effectively restricted to the M5.
- 4.93 In the Statement of Common Ground (SoCG) submitted to the examination in May 2012, the HA noted several areas where they required further information in order to complete their analysis (PD071). The level of information available on the origins of HGVs destined for the site was a particular area of concern, as was the potential for traffic associated with non home-based workers to impact on the strategic transport network on Friday nights (the 'Friday night' scenario).
- 4.94 Following the submission of the SoCG, discussions between the Applicant and the HA and their advisors continued outside the examination. The results were recorded in an 'agreed position statement' concluded between the parties on 6 September 2012 (HE207). This advises, in short, that the HA is content with the improvement scheme proposed at J23 (Work 19) and confirms the HA's agreement with the wording of the various traffic management plans referred to in the s106 Agreement or in the requirements that it is proposed should be attached to any DCO which is made.

- 4.95 Whilst several ongoing concerns are noted, particularly with regard to the potential for HGVs and non home-based workers travelling home on a Friday to affect the wider strategic road network, the HA accept that these concerns should be addressed through the Transport Review Group that would be established by the s106 Agreement (PD112, Schedule 11).
- 4.96 To our minds this response is appropriate and recognises that it is impossible to assess at this stage the precise impact that traffic associated with the construction of the proposed power station would have on the M5.¹ Accordingly, we see no reason for the Secretary of State to withhold the DCO on the grounds that the strategic highway network might be compromised.

¹ As an example, whilst the quantum of HGV construction traffic permitted to travel between the motorway and the site would be controlled by the s106 Agreement, the origins of that traffic is not yet known as the suppliers of materials to the site have not yet been selected. Accordingly, whether the HGVs making the deliveries to the site would approach the freight management facilities via the M5 from the north or from the south (or indeed from a route other than the M5) cannot be known at this stage. Similarly, the number of non home-based workers on the site and their precise travel intentions cannot be known at this stage.

SOCIO-ECONOMIC EFFECTS

Introduction

- 4.97 Somerset is a largely rural County, sparsely populated; with an average productivity below the national average (measured as gross value added per full time equivalent worker). The County faces a number of challenges, including low wages, insecure employment and a limited range of employers. In the districts of West Somerset and Sedgemoor, the local authorities claim these characteristics are particularly pronounced (PD046, Chapter 6).
- 4.98 The Applicant estimates that at the peak of construction of Hinkley Point C, some 5,600 workers would be employed. Over the entire construction phase, some 20,000 to 25,000 jobs would be created. But once operational, the number of workers required would fall back to around 900 (APP299, Chapter 5).
- 4.99 There appears to be general agreement amongst interested parties that the large workforce required to build the power station would have a range of effects on the local labour market, the economy, the availability of accommodation and the provision of public services, although the extent to which these effects are considered to be positive or negative, varies.
- 4.100 In order to assess the socio-economic impacts arising from the proposal, the Applicant developed a 'central case', based on an indicative project timeline, workforce profile and other key assumptions.¹ Alongside this central case, sensitivities and thresholds were established in order to assist in assessing the potential for an impact to change with different assumptions and to estimate the mitigation required for different scenarios.
- 4.101 So that the potential impacts from this analysis might be managed, various 'strategies' and 'plans' were developed by the Applicant and include:
- an overarching Economic Strategy containing amongst other things, a Construction Workforce Development Strategy, a Local Supply Chain Engagement Strategy and an Education Strategy (APP299)
 - a campus-based Accommodation Management Strategy (APP296)
 - a Community Safety Management Plan (APP154).
- 4.102 During the course of the examination, further strategies and plans have emerged or would emerge should the DCO be made. These are referred to in the s106 Agreement and include:
- a Health Action Plan (PD112, Schedule 6)

¹ The socio-economic assessment methodology is set out in the ES (APP095, Chapter 9).

- an Operational Workforce Development Strategy (PD112, Schedule 10)
 - a Tourism Strategy and Action Plan (PD112, Schedule 4)
 - a Tourism Visitor Management Plan (PD112, Schedule 4).
- 4.103 Monitoring of the impacts of the project and the workforce during construction on the local community would be undertaken by the Applicant and the results would be presented to and considered by the Socio-economic Advisory Group (SEAG) which would be established under the s106 Agreement (PD112, Schedule 14).
- 4.104 The SEAG would be chaired by the Applicant, which would have up to three representatives on the group. Other representatives would include one each from Sedgemoor District Council, West Somerset District Council, Somerset County Council, North Somerset District Council, Taunton Deane Borough Council, Avon and Somerset Constabulary, the Devon and Somerset Fire and Rescue Services and the Primary Care Trust.
- 4.105 Initially, there were calls from the joint Councils to include requirements in relation to socio-economic issues within the DCO (subject to the Secretary of State being minded to make one) and, to that end, a number of draft requirements were proposed. The Applicant argued, however, that the most effective way of securing mitigation for socio-economic issues would be through obligations contained in a s106 agreement. The joint Councils subsequently concurred and a range of obligations in respect of socio-economic issues are included in the final s106 Agreement (PD112).

Programme Delay

- 4.106 In our second round of questions (PDEC012) we sought to establish whether delays to the construction programme would change the environmental effects of the proposals as reported in the ES (including the socio-economic effects). In response, the Applicant explained that the socio-economic assessment did not assume actual dates associated with the construction programme. Rather, it was developed on the basis of construction months and assessed the impact of that activity, mainly at peak. As such, the precise timing of the peak of construction would not materially affect the assessment of socio-economic impacts as reported in the ES (REP013).
- 4.107 We are satisfied with this explanation and are content that the evidence contained in the ES would still provide a robust assessment of the socio-economic issues arising from the proposals should changes to the construction programme occur.
- 4.108 Given the number of construction workers that would be working at the power station and associated development sites, there is no doubt in our minds that the proposals for Hinkley Point C would have a significant impact on the socio-economic well-being of the

area. We now turn to consider the main socio-economic impacts raised by the proposals.

Jobs and Skills

- 4.109 Some interested parties argue in their representations that few of the jobs generated by Hinkley Point C would be filled by the local population. They point to a mismatch in skills between those required to construct and operate the power station and the skills of the local workforce. Thus, they argue, recruitment would be from outside the area and the local community would see little in the way of direct jobs. This they consider would occur, notwithstanding the predicted size of the construction workforce and the subsequent requirement for workers to operate the power station.
- 4.110 We found that there was little dispute between the parties over the mismatch between the skills required to construct the power station and the current skills available locally. Indeed, the Applicant acknowledges that *'the local business profile is not ideally aligned with the current nuclear supply chain requirements or large civil construction projects'* (APP299, Appendix B).
- 4.111 Whilst we accept this mismatch is a challenge, the Applicant has proposed a range of measures to overcome the challenge and harness the potential job opportunities that would flow from the project. The proposals are set out in the Economic Strategy (APP299). Of particular relevance, in our view, are the Supply Chain Engagement Strategy and the Construction Workforce Development Strategy, the merits of each we discuss in turn below.

Supply Chain Engagement Strategy (SCES)

- 4.112 The Supply Chain Engagement Strategy (SCES) seeks to increase the ability of businesses locally (and in the UK more widely), to access potential jobs generated by the project. In particular, the SCES confirms that the policy for the construction of Hinkley Point C would be to use as far as possible, local sources of labour, local service providers and local materials/components. This policy would be reflected in contract tender documents and instructions given to bidders (PD113, Annex 9). Although the level of 'local' could not be prescribed, the contracts would include a strong encouragement to the contractor and its subcontractors to maximise local sources (ibid). The SCES would remain in place until the end of the construction period and would be secured by the s106 Agreement (PD112, Schedule 4).
- 4.113 At the socio-economic issue-specific hearing, Somerset Chamber of Commerce (the Chamber of Commerce) spoke of the "fantastic opportunity" presented by the SCES (HE201). Contracted by the Applicant to deliver the SCES, the Chamber of Commerce

indicated that approximately 1,000 firms in Somerset had registered their interest in contributing to the potential construction of Hinkley Point C,¹ either through direct involvement in construction and engineering, or through associated business such as in transport, catering or accommodation.

- 4.114 The Chamber of Commerce stressed the importance of embedding the local supply chain into the construction process, to ensure a genuine positive legacy would be achieved should the Secretary of State be minded to make the DCO for Hinkley Point C. In its view, this would lead to higher skills and more support for ambition amongst the workforce generally.
- 4.115 However, the Chamber of Commerce spoke of its concern over where the direct support for the supply chain development and inward investment would come from, given that the s106 Agreement is between the Applicant and the joint Councils.
- 4.116 The funding provided for in the s106 Agreement (PD112, Schedule 4) includes contributions to the employment of economic development officers in each of the joint Councils and funding towards the establishment of a low carbon cluster and business support initiatives. These measures in our view, should work towards meeting the concerns expressed by the Chamber of Commerce.

Construction Workforce Development Strategy (CWDS)

- 4.117 The aim of the Construction Workforce Development Strategy (CWDS) is to address the gap between the current skills of the workforce and the skills required by the project. Secured by the s106 Agreement (PD112, Schedule 10), it contains a number of initiatives that would increase the provision of appropriate training opportunities, enable increased access to jobs for local workers at Hinkley Point C and provide new and enhanced educational facilities.
- 4.118 These initiatives would be delivered in partnership with the Councils and other key organisations and would include:
- An Employment Brokerage service to place people in employment created by Hinkley Point C.
 - An Employment Outreach service to motivate and encourage people within the local community to participate in the project.
 - An Employment and Skills Charter which would set out training and employment opportunities for local people.

¹ As at August 2012.

- A Construction Skills Centre for Bridgwater College located at Cannington.¹
- The 'Hinkley Ready' Skills Project which would include refurbishment of West Somerset Community College and a revision of the vocational curriculum so that students could acquire the skills necessary to access employment opportunities arising from Hinkley Point C.
- The Enterprise Project, also at West Somerset Community College, which would seek to raise the aspirations and attainment of young people in West Somerset.
- An Apprenticeship Programme which would seek to ensure apprenticeship opportunities are offered in relation to the project.
- A contribution of £2,000,000 to fund the Bridgwater College Energy and Skills Centre.

4.119 Schedule 10 of the s106 Agreement includes funding for delivery of the above initiatives. Schedule 13 provides for funding to be made towards the cost of employing an Employment and Skills Officer at SDC to work full time on the Hinkley Point C project. Schedule 4 also provides funding for Economic Development Officers at the joint Councils and funding to enable business support activities to take place.

4.120 The combined measures in the CWDS would, in our view, provide a sound platform from which the local workforce could be trained and re-skilled. We also consider that there would be time to enable this transition to take place. The proposed power station inevitably has a long construction time and this would work in the favour of the local workforce, enabling the steps to be taken to better prepare them to make the most of the new jobs that would be available during the lifetime of the project.

4.121 To our minds, this transition in the skill set of the local workforce would complement the aspiration of Somerset County Council to promote and develop a low carbon cluster in and around Somerset. The opportunities brought about by the proposal to retrain and up-skill the local workforce so that advantage can be taken of the new jobs would, in our view, be of positive benefit to Bridgwater and the wider area.

Worker displacement

4.122 There is general acceptance amongst interested parties that the level of wages of the incoming construction workforce would be higher than the existing local wages. As a consequence, we received several representations expressing concern about worker

¹ The Centre, which would be based in Cannington, would provide additional capacity for Bridgwater College. Its objectives would include creating a one stop shop to meet the training requirements of new build nuclear and wider civil construction, delivering training directly and creating a sustainable legacy for construction skills and training in Somerset (APP299).

displacement during construction of the proposed power station and the potential for workers at existing business to be 'poached' to work at Hinkley Point C.

- 4.123 In this regard, we note the results of the Hinkley Point C – Business Attitude Survey produced for Somerset County Council in September 2011 (REP014, Appendix C). It indicates that, during construction of Hinkley Point C, only 5% of the businesses surveyed considered there would be a negative impact on their business during construction. Of those who foresaw a negative impact, the primary reason for this was due to concerns with traffic congestion; only one respondent referred specifically to a concern that recruitment/retention of staff would become more difficult. As such, we find little evidence to support fears of worker displacement and conclude that this is not a factor that should attract significant weight in the Secretary of State's decision as to whether or not to make the DCO.
- 4.124 We recognise that during the construction phase in particular, the activities on the main site and the associated development sites would potentially increase the demand for locally sourced goods and services. We also recognise that many of the jobs would require specialised skills and that personnel with these skills would need to be recruited from outside the area. This we see as inevitable and to be expected.

Tourism

- 4.125 Generally, interested parties agree that the impact of Hinkley Point C during **operation** would not be an issue for the local tourist industry.
- 4.126 Notwithstanding this, the impact on tourism during the **construction** of the proposed power station was a major area of concern, and we received many representations from people expressing their fears that the roads would become so congested during construction, that the image of Somerset as a peaceful and tranquil haven would be destroyed. This, it was argued, would cause irreparable harm to the image of Somerset as a tourist destination and would deter both day trippers and those wishing to stay longer in the area.
- 4.127 Our views on the adequacy of the transport proposals are set out earlier in this chapter under the Transport and Traffic section (see para 4.26 et seq above). In the early years before junction improvements are completed there would be an increase in congestion, but this would not be severe and overall we conclude that, with the proposed mitigation measures, significant adverse impacts on the surrounding network would be avoided.

Mitigation

- 4.128 It is our view that tourism would not be affected by severe traffic congestion of the type envisioned by interested parties, due to the range of proposed transport related mitigation measures. Accordingly, we do not consider that tourism would suffer as feared.
- 4.129 Notwithstanding this, Schedule 4 of the s106 Agreement would secure funding for the purpose of mitigating potential impacts on tourism (PD112). It would provide funding towards the costs of tourism officers and the cost of operating tourist information centres in Sedgemoor, West Somerset and in the wider County. It would also provide for funding to enable the Tourism Action Partnership to carry out marketing and promotional activities. We welcome this provision.

Public Information Centre

- 4.130 The Applicant proposes as part of its Economic Strategy (APP299), to provide a Public Information Centre (PIC) at the main site.¹ This facility would be provided early in the overall construction phase and would create an opportunity for the public to experience site development and new reactor build during construction. After construction is complete, the PIC would remain during the operation of Hinkley Point C.
- 4.131 The PIC could provide a valuable educational and professional resource and an important addition to the local tourism offer. Whilst visitor numbers are uncertain, the Applicant proposes to provide capacity for 1,000 visitors each day in August and predicts that it could attract some 250,000 visits a year (APP299). Although the PIC would primarily be aimed at visitors, our view is that it could also bring long-term legacy benefits, supporting moves to establish a low carbon cluster in Somerset as mentioned in paragraph 4.121 above.
- 4.132 A feature of the proposed PIC would be the steps that would be taken to enable visitors to reach the site via shuttle buses during the construction phase of the proposed power station. Limited car parking would be provided at the PIC and visitors would be 'encouraged and expected' to use the proposed park and ride in Cannington and from there, to board regular dedicated shuttle buses. Visitors would be allocated a separate area to construction workers at the park and ride site and initially all visits would be pre-booked, to minimise the potential for congestion. We welcome these aspects of the proposals.

¹ The PIC would include an exhibition space, café, gift shop, 120 seat auditorium, and flexible multi-functional rooms. A viewing gallery would also be included that would look out over the development site towards the nuclear island.

Workforce Accommodation

- 4.133 Given that the incoming workforce is predicted to be around 5,600 workers at peak, we received representations from many interested parties questioning different aspects of the Applicant's accommodation strategy during the construction phase.
- 4.134 In broad terms, the Applicant proposes a three pronged approach to managing and mitigating the effects of providing accommodation for the incoming workforce in its Accommodation Management Strategy, as follows:
- By making use of existing capacity in local accommodation (tourist, owner occupied, private rented sector, latent accommodation) (APP296)
 - By building three temporary accommodation campuses - two in Bridgwater and one at the main site providing 1,510 bed-spaces in total (APP296)
 - By establishing a housing fund (PD112, Schedule 1).
- 4.135 The Applicant acknowledges that it could not directly control the accommodation choices the workforce would make, but accepts that it would have a role to play in assisting workers in making suitable choices.

Local accommodation

- 4.136 In so far as using existing capacity in local accommodation is concerned, representations generally focussed on concerns interested parties had that the construction workforce would take up all available tourist accommodation during the peak season and thus deprive visitors to the area of suitable places to stay.¹
- 4.137 We are not convinced that this would be so for several reasons. Firstly, the price of tourist accommodation varies throughout the year and increased prices would potentially deter workers looking for accommodation in this sector during peak season. Secondly, there could be a mismatch between tourist accommodation which is often focused on family units and the profile of the incoming workforce, which would be largely single, unaccompanied males. And thirdly, locations chosen would generally be restricted to those areas that would be easily accessible to the park and ride network or to the bus routes ferrying workers to the main site. As such it is our view that whilst some use might be made of available local tourist accommodation by workers, this would be unlikely to have a significant impact on the availability of accommodation for tourists.

¹ Table 9.11 of the ES details the Applicant's assumed split between accommodation types at peak construction. This includes the following distribution of bedspaces: 1,450 on campus; 600 in tourist accommodation; 750 in private rented; 500 in owner occupied; 400 in latent accommodation. (APP095).

Temporary accommodation campuses

- 4.138 The proposals include the construction of three temporary accommodation campuses to house some 1,510 construction workers (1,000 workers on two campuses in Bridgwater and 510 workers on campus at the main Hinkley Point C site).
- 4.139 We received representations from interested parties questioning the temporary nature of the accommodation campus proposals. In their view, the construction of permanent housing would be more appropriate, housing construction workers in the short term and creating a legacy for the local area in the longer term. Notwithstanding this, our consideration has necessarily been limited to the proposals that the Applicant has put forward (ie the proposals contained in the DCO applied for) as opposed to considering alternatives that might have been proposed but were not. Accordingly, although we acknowledge views of interested parties in this regard, this is not a matter that we consider further.
- 4.140 In so far as the two temporary accommodation campuses in Bridgwater are concerned, we received representations from Bridgwater Town Council and others, expressing some concern over the impact that the proposal to house up to 1,000 construction workers in the same part of town could have on social cohesion. We accept that negative impacts could result, but take the view that the potential for anti-social behaviour on the part of workers is the responsibility of the Applicant, who would exercise control through the Worker Code of Conduct. This would be secured through the s106 Agreement and provides that '*anti-social behaviour ... will not be tolerated*' (PD113, Annex 6).
- 4.141 The representations are, moreover, expressed in general terms and are not backed up by evidence that social unrest would indeed result. Accordingly, having regard to the advice in paragraph 5.12.7 of NPS EN-1, this is a matter which, in our view, should carry limited weight in the Secretary of State's decision as to whether to make the DCO.
- 4.142 We heard a range of arguments opposing the size and need for the main site accommodation campus. In particular, Stogursey Parish Council and the West Hinkley Action Group (WHAG) put forward strong views opposing the construction of the main site campus (due in the main to their fears about social unrest). Whilst we are not certain as to whether the precise size of campus is optimal, we have no evidence to suggest that the size of campus is incorrect and, to our minds, the size of campus proposed seems to provide a sensible balance between securing the benefits and minimising the potential for harm to the host community. Our reasoning underpinning this view is set out later in this report (see para 4.226 et seq below).

4.143 The Applicant's proposal to provide construction campuses for workers is, in our view, an appropriate response to the need to mitigate the impact that a large influx of construction workers would otherwise have on the availability of accommodation in the area. We are also firmly of the view that the strategy of locating the majority of the campus accommodation in Bridgwater is sound. Whilst we are less sure as to whether the size of the campuses proposed is the optimum, we have no evidence to the contrary. Overall, given that there are inevitably significant uncertainties regarding the amount and availability of alternative accommodation, our view is that the proposals are appropriate.

Housing fund

4.144 The third prong of the Applicant's approach to managing and mitigating the effects of providing accommodation for the incoming workforce, is the establishment of a Housing Fund *'for the purpose of providing financial support for initiatives designed to deliver additional housing capacity in order to mitigate any potential adverse effects on the local housing market that might arise from the project.'* This would be secured by the s106 Agreement and would be administered by the joint Councils, Taunton Deane Borough Council and North Somerset Council (PD112, Schedule 1).

4.145 Given the unpredictability of accommodation choices that might be made by the workforce, this is partly a contingency fund to provide the resources necessary to allow the Councils to manage any unforeseen consequences in the housing market. We support its inclusion in the suite of mitigation measures proposed.

Workforce accommodation during operation

4.146 As with tourism, the issue of workforce accommodation during the **operation** of Hinkley Point C, was not raised by interested parties as a matter of general concern. Predictions by the Applicant are that the operational workforce would be around 900 workers. This is broadly similar to the 1,000 or so workers that are currently required for the programmed outages at Hinkley Point B and who would appear to find accommodation locally, without giving rise to any particular stress on local infrastructure (APP296).

Conclusion

4.147 In conclusion, it is our view that with the combination of measures proposed, including making some use of existing local accommodation, providing new bedspaces and having in place a contingency housing fund to manage any unexpected outcomes from worker's accommodation choices, the need for workforce accommodation would be met.

Impact on Public Services

- 4.148 Inevitably, a construction project the size of Hinkley Point C with its attendant workforce, would impact upon all areas of public service including education, health and the emergency services. As a consequence, the s106 Agreement includes a range of measures to mitigate the impacts associated with the proposal.
- 4.149 These mitigation measures include the Education Strategy, established under the Site Preparation Works s106 Agreement. This would seek to ensure there is no mismatch between the number of workforce children looking for a school place (be it pre-school, primary or secondary school) and the supply of school places available.
- 4.150 The Education Strategy would be implemented for the duration of the construction period and includes funding towards measures which would facilitate both the integration of workforce children into local schools and the provision of further school places where needed (PD112, Schedule 5). Given the estimated length of the construction period and the potential number of construction workers that may wish to relocate to the area with their families, we consider this to be an important provision.
- 4.151 Funding towards community safety, including the resources of the Avon and Somerset Constabulary (ASC), the Devon & Somerset Fire and Rescue Services and the South West Ambulance Service NHS Trust is secured by Schedule 3 of the s106 Agreement (PD112). In addition, community safety contingency funding would be payable to the joint Councils. In Schedule 6, provision is made for funding to cover the costs of providing health care to non home-based workers families and dependents. This would be separate to the Hinkley Health private occupational healthcare service that would be provided by the Applicant to members of the workforce and the reasonable endeavours committed to by the Applicant, to provide a GP for referrals from Hinkley Health in excess of the numbers anticipated in the Heath Action Plan (PD112, Schedule 6).
- 4.152 Although funding provision for ASC would be provided under the s106 Agreement, we note from the SoCG signed by the Applicant and ASC (PD085), that agreement has not been reached on all matters of concern to ASC.
- 4.153 ASC considers that the Applicant should make a financial contribution toward the cost of policing protests or demonstrations arising as a result of the proposed nuclear power station development (HE196). For the reasons set out in Chapter 8 (para 8.196) we are not persuaded that the cost of policing protests and demonstrations should be met by the Applicant, rather than by the public purse.

- 4.154 In the Statement of Common Ground (SoCG) concluded shortly before the close of the examination, the joint Councils confirmed that *'with the benefit of the package of measures which it has now been agreed should form part of the Section 106 Agreement and the range of requirements and other controls proposed by [the Applicant], the joint authorities are able to confirm that the ... Project is acceptable when considered against relevant policy and other material considerations'* (PD084). In this regard, we take the view that the joint Councils are satisfied that mitigation is in place to overcome any potentially adverse impacts on public services.
- 4.155 It is our view that the range of measures included in the s106 Agreement (PD112) would provide suitable mitigation for the impact on services that Hinkley Point C would undoubtedly have.

LANDSCAPE AND VISUAL EFFECTS

Introduction

- 4.156 In conducting the Landscape and Visual Impact Assessment (LVIA) of Hinkley Point C, the Applicant followed the principles set out by the Landscape Institute and Institute of Environmental Management in the Guidelines for Landscape and Visual Impact Assessment (APP095, Chapter 22).
- 4.157 Interested parties are in general agreement with the methodology adopted for the LVIA and the process of assessment for examining both construction phase and operational phase impacts.
- 4.158 One notable exception is the Fairfield Estate. The Fairfield Estate argues that the Construction Parameter Plan would authorise the erection of extremely tall temporary buildings and structures, which could have an adverse visual effect on the adjacent 'heritage land' belonging to the Estate and adjoining the site to the north-west (REP115, pp34-40). The number, height, location and duration of such buildings and structures are unknown. The Estate argues that the ES does not contain an adequate assessment of their impact
- 4.159 With regard to this point, the purpose of the ES is to assess the environmental effects (including landscape and visual effects) of the proposed development as a whole. To our minds, it fulfils this purpose and contains the information required by Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. Accordingly, we see no need to request the further information sought by the Fairfield Estate. Neither do we consider that additional requirements should be imposed on any DCO that the Secretary of State is minded to make restricting the permitted development rights on the site applicable to structures, works, plant and machinery required temporarily in connection with construction.

Existing Character of the Landscape

- 4.160 The proposed power station site itself is not subject to any specific landscape designations. However, there are several nationally designated landscapes in the area, including the Quantock Hills Area of Outstanding Natural Beauty (AONB), Mendip Hills AONB and Exmoor National Park.
- 4.161 Fairfield Estate draw attention to the quality of their land immediately to the west of the main site. They refer in representations to its evaluation as being of outstanding scenic interest.¹ Thereafter, during the examination, Fairfield Estate refer

¹ The evaluation was carried out by the Countryside Commission (now Natural England) in 1986/87.

to this land as 'heritage land' (WREP43). A number of local landscape character assessments have also been carried out for the area and are summarised in the Applicant's Environmental Statement (APP095, Chapter 22).

- 4.162 As well as the landscape designations, various sites are recognised for their nature conservation value, including the international, national and local nature conservation designations in Bridgwater Bay and the surrounding area.
- 4.163 Shurton Bars on the coast to the west of Hinkley Point, also has strong cultural connections, being the inspiration behind Samuel Taylor Coleridge's poem 'Lines Written at Shurton Bars'.
- 4.164 Overall it is clear to us that the wider area is highly valued for its landscape quality which is claimed to attract visitors from all over the UK and beyond and is said to be critical to the tourism offer that is claimed to be a central feature of the Somerset tourism economy (PD46, Chapter 13).
- 4.165 In terms of landscape character, west of Wick Moor and the Steart Peninsula, the landscape in the vicinity of the site is generally rolling, coastal, lowland mixed farming. The main site sits immediately to the west of the existing power stations of Hinkley Point A and B, both of which feature in views in the area.
- 4.166 This lowland farming contrasts with the wider landscape backdrop of the upland areas of the Quantock Hills; the Mendip Hills and Exmoor. To the north, the coastal and marine landscape of Bridgwater Bay, the Bristol Channel and the Welsh coast provide yet further contrast to the lowland farming landscape and the Somerset Levels.

Capacity of the Landscape to Accommodate Change

- 4.167 The distinctive quality of the landscape is recognised in local planning policies which seek to ensure development is not permitted that would damage the natural beauty and landscape character of this part of Somerset (PD046, Chapter 13).
- 4.168 In the vicinity of the proposed power station, apart from the construction of Hinkley Point A and B, we see little recent change to the landscape and little indication through planning policy that there are proposals in the future which would result in major changes to its character.¹
- 4.169 Both Hinkley Point A and B stations are now permanent features of the landscape and contribute in their own way, to views in the

¹ We note that major development is proposed in Bridgwater, that a habitat creation project is underway on the Steart Peninsula and a second similar proposal is pending. However, our view is that none of these schemes would materially change the character of the landscape in the vicinity of the proposed power station.

area. This contribution is encapsulated by the Statement of Significance set out in the Mendip Hills AONB Management Plan (2009 – 2014) which points to the *'... far-reaching, changing seasonal views across the Severn Estuary to Wales and views out across the misty Somerset Levels from which the mysterious Glastonbury Tor and eerie Hinkley Point appear.'* (PD046, Chapter 13).

- 4.170 The question as we see it, is whether the existing landscape could accommodate a third power station? That the proposed power station would impact on the character and landscape of the area, is undoubtedly the case. This we would expect from any project of the size and scale of Hinkley Point C. This reality is recognised in national policy as set out in NPS EN-1 *'virtually all nationally significant energy infrastructure projects will have effects on the landscape'* (NPS EN-1, para 5.9.8).
- 4.171 However, as also set out in NPS EN-1, *'the fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent.'* (NPS EN-1, para 5.9.13).
- 4.172 The area has accommodated two power stations without, to our mind, landscape quality and character being detrimentally affected. This provides important precedent and context for considering the potential impact of Hinkley Point C. We also note that the proposed site of the power station is not subject to any formal landscape designation policies nationally or locally.
- 4.173 As such, whilst Hinkley Point C would inevitably exert impacts on views from designated and non-designated landscapes, its overall scale and design would be of similar magnitude to the neighbouring power stations. Overall, our opinion is that **once operational**, it could be accommodated without causing significant permanent harm to the landscape quality and character of the area.

Impact of Hinkley Point C on the Landscape During Construction

- 4.174 In reaching our view on the ability of the landscape to accommodate the proposed power station, we have also considered the impacts that would arise during **construction** of Hinkley Point C.
- 4.175 The proposed power station would consist of a complex of enormous buildings. Its construction would inevitably require the provision of temporary buildings and structures of considerable height, including cranes, silos, hoppers, batching plant, storage sheds and workshops. The main site would therefore be very evident during construction.
- 4.176 A further impact would be the sheer physical size of the construction area (approximately 175ha). This would result in the

large, albeit temporary, loss of many landscape elements and features. However, the final operational site would be significantly smaller, at 67.5ha. This, together with its location north of the Green Lane ridgeline would lessen its landscape impact, particularly as the landscape planting that is proposed around the site matures.

- 4.177 Although 24 hour working is proposed on the main site; during the night, proposed Requirement MS4 would ensure that the installation of external construction lighting would be carried out in accordance with the Construction Lighting Strategy. This is set out in the Construction Method Statement. Inevitably, the main site would be clearly visible at night when looking down on it from high points in the area, but the design and impact of the lighting would be controlled.
- 4.178 The construction of the power station would in our view, have adverse impacts on the landscape. On balance, however, we consider these adverse impacts would lessen as the site shrinks back to its final operational size and as the landscaping mitigation measures discussed later in this section mature.

Cumulative Landscape Impact

- 4.179 The proposed power station includes works at a number of associated development sites, some of which would be large and have landscape impacts in their own right. However, for the most part they would be temporary.¹
- 4.180 The associated development sites are also spread around a large area. As such, whilst it would be possible from some high points, for example the Quantock Hills, to see some of the associated development sites and the main site of the power station simultaneously, in our opinion the sites are scattered in a way that would avoid any significant cumulative impacts.

Visual Effects

- 4.181 Inevitably, the scale and mass of Hinkley Point C means it would be visible in the landscape, as indeed are Hinkley Point A and B. As such, the proposed power station would have visual effects on sensitive receptors in short, medium and long range views. Some local residents would be particularly affected, as would walkers, cyclists and horse riders.
- 4.182 As referred to previously, interested parties were in agreement with the LVIA methodology used by the Applicant for the assessment of magnitude and significance of visual impacts. This assessment included consideration of proposed mitigation

¹ Exceptions to the temporary nature of associated development include Cannington bypass, the refurbishment of Combwich Wharf and many (relatively modest) highway schemes.

measures (APP095, Chapter 22). Following consultation, 48 viewpoints were identified to represent the extent and range of short, medium and long range views of the proposed power station.

- 4.183 The visual impact of the proposed power station is, in our opinion, clearly represented in the ES and the Figures accompanying it. We also found the photomontages helpful in conveying the visual impact of the proposal from representative viewpoints across the LVIA area. However, we observed during our accompanied site visit how quickly and dramatically weather could change the impact of built development from many views, given the interplay of light and shadow. As such, we are mindful of the need to exercise a degree of caution in interpreting the photomontages.
- 4.184 The visual effect of Hinkley Point C would be influenced by the existing Hinkley Point A and B power stations. Together, the three power stations would form a cluster on the coast, albeit each would remain visually distinct.
- 4.185 The overall design of Hinkley Point C would, in our opinion, seek to integrate the new and the old power stations, reducing the magnitude of visual effect. The reactor buildings of Hinkley Point C would be slightly higher than Hinkley Point A and B.¹ Notwithstanding this, their domed design would be very different to the relatively square boxes of Hinkley Point A and B. In our opinion, this is a positive design feature and a more sympathetic response to the rolling farmland and hills of the area.
- 4.186 The choice of building colour and texture proposed would be sensitive to the neighbouring power stations and the coastal backdrop. We acknowledge the site would be larger than its neighbours, but we do not find it to be overpowering.
- 4.187 We were struck by the mass of the turbine halls, which, from some view points, would be more visually dominant than the reactor buildings. We note concern was also expressed by the Commission for Architecture and the Built Environment (CABE) during the consultation period. They described the turbine halls as 'very imposing' suggesting a 'more modest' architecture (APP285, Appendix C.3). Whilst the location of the turbine halls between the coast and the reactor buildings would, to some extent, disguise them from direct views from the south of the proposed power station, they would be prominent in views from the east and west. This is a situation where we consider function has taken precedence over form, albeit this does not detract fundamentally in our opinion, from the overall design of the main site.

¹ The reactor buildings are the highest buildings on site and would be 3m taller than the reactor building at Hinkley Point B.

- 4.188 Given the layout of Hinkley Point A and B, and the proposed layout of Hinkley Point C, we noted that at times from the east and west, it would be difficult to tell that there would be three power stations. From many locations to the east, Hinkley Point C would be hidden or obscured from view, behind Hinkley Point A and B stations. From points to the west, the reverse would happen, with Hinkley Point C obscuring views of Hinkley Point A and B. Looking northwards from the south, this would of course, not be the case.
- 4.189 The Quantock Hills AONB Service contend that the Applicant has underestimated the visual impact of the proposed power station from a number of viewpoints during operation (PD069). Whilst we acknowledge that opinions differ, even between professionals, we consider that the distance of the Quantock Hills from the main site (some 5 - 7km away) and the fact that the view looking towards the coast already includes two power stations, are important considerations. We also note that from some high points in the area (eg viewpoints 29 and 32), the power station cluster would exert its visual influence over only a relatively small section of a much wider panorama that in places extends to a full 360°.
- 4.190 As such, we recognise that Hinkley Point C would alter the character of some of the views in the area but, overall, we are of the opinion that it would not have an overwhelmingly detrimental effect on visual amenity of those in the Quantock Hills during operation.
- 4.191 We received representations from those living close to the site, about the visual impact of the proposed development during the day and night, particularly during construction.
- 4.192 In our opinion, significant visual effects would inevitably occur during construction due to the scale of the works required. However, the combination of landscaping, earth bunds around the edge of the construction site, and the proposals to locate larger plant away from the southern boundary of the site, should help to reduce visual impact. Further benefits would also be realised as the advance landscape planting to the south of the site matures.
- 4.193 In their representations, Stogursey Parish Council raised a particular concern about the visual effect of infilling part of the Holford Valley when looking west from Wick Moor (WREP04).
- 4.194 Plainly, the truncation of the valley mid-way along would mean a significant change to the open views up the valley currently experienced by locals and others in the area. We accept this change would be a loss locally.
- 4.195 A further matter raised by Stogursey Parish Council relates to the visual effect during construction and operation, of the road that would run across the eastern end of the Holford Valley infill (WREP04). During construction, this road would provide access for

construction workers, and earthmoving machinery. Subsequently, however, it would be reconfigured and would serve mainly as a visitor access.

- 4.196 As to this matter, it seems to us, that the effect of the road would be greater during construction than operation due to the volume of traffic likely to be using it and the nature of many of the construction vehicles.¹ In our minds, the road would not add much to the overall visual impact that would anyway occur at this time. Moreover, following completion of construction, the land near the road would be remodelled and planted and our opinion is that the visual intrusiveness of the road during operation would not be significant.
- 4.197 Overall, we conclude the visual effect of Hinkley Point C on the character of available views and the visual amenity of sensitive receptors would be mixed. During construction, the effects would be adverse, mainly due to the extent of the construction site and the activities within it. During operation, the effects on visual receptors would be reduced and would be similar to that of Hinkley Point A and B.

Mitigation Measures

- 4.198 As to mitigation, in the longer term, the main mitigation measure proposed is to return large areas of the construction site to agriculture, woodland and other amenity uses. In doing so, the proposals envisage that the Green Lane ridge would be retained as a natural high point with new landforms elsewhere which would in part screen lower level buildings and activities. In the short term, advance planting and construction of screening bunds are proposed to reduce the visual impact of the development, particularly as seen from sensitive nearby viewpoints (eg Shurton).
- 4.199 Mitigation measures for the main site and associated development sites would be secured by a number of proposed requirements.² These are discussed in detail in Appendix C of this report.
- 4.200 In so far as off-site mitigation is concerned, Schedule 8 of the s106 Agreement provides £350,000 in funding partly towards the employment of a landscape officer, and partly as a contribution towards the Landscape Improvement Scheme and the Quantock Hills and Vale Landscape Development Fund. These were both established under the site preparation works s106 Agreement to deliver area-wide landscape improvements; and to support projects *'which either restore or develop landscape features in the Quantock Hills and Vale'* (PD112, Schedule 8).

¹ The road would be higher than those viewing it from Wick Moor, and at a distance. As such it is the vehicles that would be using it that would be more noticeable than the road itself.

² On the main site these include Requirements MS1, MS14, MS15, MS15A and MS16.

- 4.201 Although these off-site planting measures would plainly not obscure the proposed power station from view, we consider that nonetheless, they should be beneficial in helping to divert people's views away from the power station towards other features of interest. As such we welcome them.
- 4.202 A further mitigation measure is the Applicant's proposal to locate larger structures in clusters on the construction site and in areas away from the southern boundary near residential properties (APP095, Chapter 22). This would, to our minds, further reduce the visual effect of the site on sensitive visual receptors.
- 4.203 Overall, we find the range of proposed landscape mitigation measures and the manner in which they are secured, either through requirements or the s106 obligations, together with the internal layout of the site during construction, to be comprehensive. Although the visual effects of the site would be most acutely felt during the construction phase, as landscape planting matures, and the site is returned to agriculture, woodland and other uses, we have no doubt that the visual effect would reduce.

Good Design

- 4.204 We have considered the advice in NPS EN-1 and NPS EN-6 with regard to the need for national energy infrastructure to be sustainable, attractive, durable, as adaptable as it can be and to take into account good design.
- 4.205 The Applicant confirms that a range of alternative land use and design options were considered before the proposal was settled (APP095, Chapter 6). CABE were among those consulted by the Applicant (in their former status as a statutory consultee). Their comments on the emerging design and layout of the proposed power station, prior to submission of the Application in 2009, 2010 and 2011 are provided in the Hinkley Point C Development Site Design and Access Statement (APP285, Chapter 4 and Appendix C).
- 4.206 Moreover, the evidence is that visual assessment of views of the proposed site was used to inform the master planning of the site and the proposals for retention of landscape features within the site and around the site edges (APP093, Chapter 6).
- 4.207 Plainly, the proposed power station could not be hidden in the landscape. However we have no reason to doubt that considerable care was taken in 'fitting' the proposed power station into the available site and wider landscape.
- 4.208 Good design has also led in our mind to some of the choices that have been proposed. They include the retention of Green Lane, as a natural ridge through the middle of the construction site so that, when construction is complete, it forms the southern boundary of

the developed area. The proposal to locate large structures away from the southern edge of the site during construction and the proposal to landscape and return a large part of the construction area to agriculture, woodland and wildlife areas are also features that struck us as being particularly welcome.

- 4.209 As to the concerns raised by Fairfield Estate regarding the proposal to locate pylons within the site to link the turbines to the transformers, we accept the Applicant's evidence that it would be extremely difficult to provide a different means of transmitting electricity from the proposed turbine hall to the National Grid sub-station (see Appendix C, para 187 et seq).
- 4.210 Given these factors and the design and mitigation measures discussed previously in this section, we conclude that the principles of good design have been followed by the Applicant in determining the functionality and aesthetics of the proposed power station. We can see no reason for matters of design to weigh against a decision to make the proposed DCO.

STOGURSEY

Introduction

- 4.211 The host parish of Stogursey is a large, rural parish comprising the village of Stogursey, as well as a number of smaller hamlets, farms and other dwellings.¹ We received representations from many of those individuals living in houses near to the site, expressing various fears in relation to the potential impacts of the proposal. We also received similar representations from Stogursey Parish Council and the West Hinkley Action Group (WHAG).
- 4.212 In general, those making representations acknowledge the need for new power stations to be built in response to the national need. They also recognise that the existing power stations on the site have brought work to the area and that the proposed new power station would do likewise.
- 4.213 Notwithstanding this, they were clearly unhappy with the Applicant's response to the views they had expressed during the consultation phase and felt generally that the Applicant's proposals for mitigation of the impacts that they as the 'host' community would suffer, were insufficient. Some were also concerned that the examination process was such that it appeared difficult for 'ordinary' people to engage with.

Noise

- 4.214 The potential for disturbance due to noise was a main point of concern for many people living close to the site. Local residents were particularly fearful about the impact on their quality of life of the Applicant's proposals for 24 hour working, seven days a week during the construction phase.
- 4.215 We focussed on this matter at the DCO issue-specific hearings in June, July and August. As to the merits of local people's concerns, noise during the construction phase would be controlled by requirements. These are discussed in detail at Appendix C (see particularly Appendix C, Requirement MS3). With this Requirement in place, noise during the daytime on Mondays to Saturdays would be limited to a maximum of 65 dB LAeq, 1 hour; in the evening the limit would be 60 dB LAeq, 1 hour and at night 45 dB LAeq, 1 hour. On Sundays and Bank Holidays, the requirement would limit daytime noise to 60 dB LAeq, 1 hour; and in the evening to 55 dB LAeq, 1 hour.
- 4.216 In looking at the potential for disturbance with these limits in place, it is critical, in our view, to appreciate that the Requirement would set maximum limits, as opposed to target

¹ Hamlets include Knighton, Burton, Shurton and Wick.

noise levels. At times we have no reason to doubt that the actual noise levels that local residents would experience would be close to the limits.¹ The distance between the main construction site and the nearest dwellings is of the order of 1000m, however, and the intervening landform is undulating. Accordingly, for the major part of the construction phase, we consider it would be unlikely that the limits would be approached.

Night-time noise levels

- 4.217 In considering hours of operation, some parties, including Stogursey Parish Council, argued for a total ban on construction activities at night. Whilst we appreciate their concerns, we do not see this as necessary, given the protection to sleep that would be afforded by the 45 dB LAeq, 1hour noise level set by Requirement MS3 and the additional restriction we recommend that would restrict short impulsive noises at night that might otherwise cause sleep disturbance (see Appendix C, Requirement MS3 for our detailed reasoning).
- 4.218 Requirement MS3A would also prohibit work at night on construction of the accommodation campus and several other elements of the project nearest to Shurton. This in our view, would further reduce the likely incidence of noise disturbance during construction of the site.

Operational noise levels

- 4.219 A number of interested parties sought controls over 'operational' noise from the proposed power station once construction had been completed. The draft DCO makes no provision for the control of operational noise, however, and the ES submitted with application predicts that night-time operational noise levels at the nearest house would be well below those likely to cause sleep disturbance.
- 4.220 Our own observations of the existing power station at Hinkley Point also suggest that any problems with night-time noise are very unlikely. Notwithstanding this, for the reasons set out in Appendix C (Requirement MS3) we recommend that an additional requirement should be imposed limiting operational noise to no more than 45 dB LAeq, 1 Hour between 23:00 and 07:00.

Other measures to control noise

- 4.221 In addition to the above requirements, noise during the construction phase would be controlled by the Code of

¹ For example when earthworks are being undertaken close to the southern site boundary and during construction of the emergency access. Indeed for short duration works the requirement allows for the limit to be temporarily raised to 75dB with prior notification.

Construction Practice (CoCP). This requires 'best practice' measures to be put in place to limit construction noise. Compliance with these and other noise mitigation measures should be secured by monitoring in accordance with a scheme to be approved by WSC (Appendix C, Requirement PW24).

Noise insulation scheme

- 4.222 Further mitigation for those potentially affected by noise from the site would be secured by the noise insulation scheme. This scheme would be available to parts of the parish of Stogursey (primarily, but not exclusively, the hamlets of Knighton, Burton, Shurton and Wick) and forms part of the Main Site Neighbourhood Support Scheme offered voluntarily by the Applicant (HE199).
- 4.223 Under this scheme, potentially 179 properties would be eligible and, as at August 2012, 103 properties had registered an interest in the noise insulation scheme (HE199). It would provide for either secondary glazing to fit existing windows or double glazed PVC-U replacement windows/appropriate replacement windows for existing listed buildings to be fitted at no cost to the home owner.
- 4.224 We welcome this scheme which would provide additional mitigation for noise affected dwellings near to the site.

Accommodation Campus

Location

- 4.225 Whilst there is general (albeit not universal) acceptance amongst interested parties of the need for an accommodation campus to house key workers on the main site, many express a view that the proposed site for the campus is wrongly located on high ground near the hamlet of Shurton. In their view, it should be located further to the north in order to avoid adverse noise impacts. We do not agree. The campus would lie some 500m east of the heart of Shurton¹ and any impacts associated with its operation would be mitigated both by the intervening distance and the landform between the settlement and the campus, which would include a substantial earth embankment immediately south of the proposed accommodation buildings.

Size

- 4.226 A principal point of concern relates to the size of the campus. Stogursey Parish Council, WHAG, Fairfield Estate and initially, the joint Councils, along with many other interested parties, are united in their calls for the campus to be reduced from the 510 bed-spaces proposed. Although there are differences of opinion as to

¹ Notwithstanding this we recognise that some dwellings such as Doggets Farm would lie considerably closer to the site of the proposed campus.

what the optimum size should be, there appears to be a broad consensus that an appropriate size would be somewhere in the region of 100 to 150 bed-spaces. This disquiet stems from concerns regarding the potential for residents to be disturbed by activities at the campus and the potential impact on the social make-up of the existing community, as a result of the influx of up to 510 construction workers.

- 4.227 Many people in making their representations to us suggest that there are alternative solutions to providing construction worker accommodation locally, which appeared to have been discounted by the Applicant without proper explanation.
- 4.228 In our questions, we asked the Applicant to provide further evidence to explain why the campus is the size proposed (PDEC12). The Applicant states that an ideal campus size would be between 1,000 and 1,500 bed-spaces. It had already reduced the size of the accommodation campus from an ideal scenario to the 700 bedspaces proposed during pre-application consultation and had scaled back further to the 510 bed-spaces contained in the draft DCO. This size, the Applicant argued, was the minimum that would enable efficient delivery of the Hinkley Point C project (REP013).
- 4.229 Whilst the evidence from the Applicant provided some explanation for 510 bed-spaces, we did not find it wholly convincing. Overall it seems to us that the mix and distribution of proposed key workers could be adjusted to fit whatever size of campus was available, as indeed had been the case in altering the size of the campus from an 'ideal' of 1,000 to 1,500 bed-spaces, to 700 bed-spaces prior to the application being submitted, to the 510 bed-spaces finally proposed.
- 4.230 We see the key question as being whether the operational and other benefits of having construction workers living on site, would be outweighed by the potential negative effects on local population dynamics, social cohesion and the ability of local services to respond to the demands for services from the workforce.
- 4.231 As to this matter, it seems to us, that firm evidence to support the 510 bed spaces proposed is lacking. We do not find this surprising but accept that, in general terms there would be significant advantages for the project in housing workers as close as possible to the site. In that way they would be readily available at short notice to tackle any emergencies that arise, and undertake 'out of hours' tasks. The time they would spend travelling to work would be reduced. Whilst this would no doubt be offset in part by an additional need to travel when not working between the site and other nearby centres for leisure and other purposes, it nonetheless seems to us that overall there would be a net reduction in vehicle movements. This would accord with Government's policies on sustainability. Also, there would almost certainly be some

opportunities to provide support services to the campus locally, albeit that these could not be quantified at this stage (REP007 and REP012).

- 4.232 As to the impact of the proposed campus on the local community, we are firmly of the view that any impacts that would arise due to noise would not be significant for those residents in the nearby settlements. As noted above, the distance between the campus and the heart of the Shurton would be some 500 metres and, whilst some isolated houses would be considerably closer, there are very few such places and we are not aware of any concerns expressed on behalf of the people living there. Workers living in the campus would also be subject to a code of conduct (APP296) that should assist in curbing any excessively noisy behaviour.
- 4.233 Turning then to the effect on social cohesion, many people at the open-floor hearings, including representatives of Stogursey Parish Council and WHAG, told us about difficulties that had occurred when Hinkley Point B Power Station was built. They were anxious particularly about the impact an influx of up to 510 primarily male workers would have on the local community. In their view, the size of the campus proposed was such that local facilities would be 'swamped'. They referred to tensions that might be created between the lower paid locals and the more affluent construction workers and spoke of the potential increase in incidents of crime and disorder that they expected to result. In their view, a smaller campus would be preferable.
- 4.234 In our second round questions, we specifically sought evidence in connection with the construction of Hinkley Point B, or other similar projects such as Sizewell B Nuclear Power Station, to support (or otherwise) claims of significant negative impacts on the local community. In response we were given transcripts of interviews conducted by WSC with several longstanding residents of the parish of Stogursey recounting their negative experiences from when Hinkley Point B was under construction (REP014, Appendix E). This was helpful in reinforcing our understanding of the concerns at issue.
- 4.235 We also received from ASC a note on incidents that had occurred when the previous power station was being built. It was qualitative in nature, however, and was accompanied by an explanation that detailed police records were no longer available to enable a more quantitative response. It highlighted issues that had arisen as a result of workers travelling in private vehicles between their accommodation near the Hinkley Point B site and leisure opportunities in Bridgwater.¹

¹ We note the Applicant's subsequent commitment to provide a regular bus service from the campus to Bridgwater for leisure purposes, the timing of introduction and frequency would be determined by

- 4.236 No evidence was provided regarding the effect of construction campuses at Sizewell B or elsewhere on their host communities in response to our question.
- 4.237 In assessing the likely impact of the construction campus on the local communities, we are particularly mindful of the difference in the situation the community faced when Hinkley point B was being built and that which it could now face. At the hearings we heard how many Hinkley Point B construction workers were accommodated in Stogursey in council-built houses or at a large caravan park on the edge of the village. This was a very different scenario to the current proposals for Hinkley Point C, where accommodation for non home-based construction workers is proposed in a self-contained campus on the main site and in two additional self-contained sites in Bridgwater. All three campuses would have sports pitches and both the main site and Bridgwater A would have an 'amenity' building hosting a range of uses (APP296).
- 4.238 Whilst we cannot be certain in this matter, to our minds there is every reason to believe that the effects on social cohesion would similarly be different. Plainly, we cannot exclude the possibility that some of those living at the accommodation campus might be involved in some instances of crime or anti-social behaviour requiring police attendance. However, the evidence from the police is that they have no reason to suppose that any such increase would be more or less than would be accounted for by the relative increase in population (PD085).
- 4.239 Accordingly, whilst we take the view that providing a construction accommodation campus of the size proposed might be likely to result in some negative impacts, we have to recognise that it would also bring significant benefits (see para 4.231 above). Overall, in our minds, the size of campus proposed provides a sensible balance between securing these benefits and minimising the potential for harm to the host community. As such, we see no reason for the Secretary of State to see the size of the proposed on-site accommodation campus as a factor that should weigh against the proposal.

Public Rights of Way and the South West Coastal Path

- 4.240 The proposals for Hinkley Point C seek to stop up all public rights of way (PRoW) that criss-cross the main site. Initially all those PRoW within the construction site would be closed off and they would remain so for virtually the whole of the construction phase.¹ Only when the works are complete would it be possible to reduce

demand. The Code of Conduct will apply and workers will be made aware of drug and alcohol policy (PD085).

¹ Closure of the entire PRoW within the construction site boundary has in fact already occurred and fences have been erected around the construction site as part of the preliminary works contract.

the secure area to that of the operational power station and restore a network of PRow through the new landscaped areas that would be created to the west and south of the operational power station. Given the nature of the proposals, and the overriding importance of on-site safety and security during construction and operation, we accept that there is little that could be done to mitigate the direct effects of these closures.

- 4.241 Notwithstanding this, we do recognise that the proposed alterations to the network would have a significant impact on those that use them as stated by WHAG and others who made representations to us about the importance to the local community of the network for regular, recreational use.
- 4.242 As to mitigation, several measures are proposed to ensure the connectivity of the PRow network would be maintained both during and after construction of Hinkley Point C. Initially a network of PRow would be provided around the boundaries of the proposed site excluding the northern, coastal boundary. Subsequently, once the construction of the sea wall is complete, the South West Coastal Path would be reopened. This would be secured by Requirement MS20.¹ Finally, when restoration of the landscape areas around the site is complete, a network of new PRow would be created through them.
- 4.243 Other existing PRow in the area would also be improved. Schedule 9 of the s106 Agreement provides £443,239 in funding for the County Council to carry out the works, diversions and related activities across the PRow network in the area (PD112, Schedule 9).
- 4.244 The Applicant's proposals to reopen the South West Coastal Path are significant, in our view, given the importance of this feature to the tourism offer of West Somerset and the recreational value attached to it locally.
- 4.245 Further mitigation for the loss of recreational PRow would be achieved by making an area of amenity grassland immediately to the north of Shurton available for recreational use (APP095). Whilst this land would not provide direct access to the coast, it would be easily accessible from the hamlet of Shurton and its size, usefulness and potential attractiveness once landscape restoration has been completed, would help offset the losses that would arise elsewhere.
- 4.246 In our view, these combined measures would go some way towards mitigating the adverse effects on PRow in the area. However, the historic pattern of PRow would be permanently changed and the mitigation measures proposed would not

¹ See Appendix C for details of Requirement MS20.

compensate for the ease of access previously enjoyed by the local community to the coast in this area.

- 4.247 Overall, it is our view that, in the short term, the loss of PRoW would be significant. In the longer term, when construction is complete and the new paths have been provided, the losses would be less significant albeit that, in our view, they would continue to outweigh the gains.

Emergency Access Road and Bum Brook Bridge

- 4.248 Whilst the design of the emergency access road and Bum Brook bridge has not been finalised, many people argued that the illustrative plans provided with the application indicated that the bridge would be too large. In considering this matter, we have regard to its core purpose; that is, to carry vehicles safely across Bum Brook in an emergency, irrespective of weather conditions. The evidence is that Bum Brook is subject to flooding and it is plainly necessary that the design for the bridge takes this into account. Given that the final design of the bridge would be subject to approval by WSC (see Appendix C, Requirement MS12) we see no reason to take issue with the proposals on this account.

Flood Risk

- 4.249 We received many representations expressing concern about flood risk, and referring to past incidences of flooding at the existing power stations and elsewhere in the locality. A number of interested parties maintained that the DCO should not be made because of the safety implications of flooding at a nuclear installation, where radioactive materials would be kept for an indefinite but prolonged period. However, these safety matters fall within the remit of the Nuclear Regulators. The proposed DCO would specify the elevation above ordnance datum of the proposed nuclear island and the crest of the sea wall adjacent to the power station. As explained in paragraph 4.8 et seq above, the Office for Nuclear Regulation have not identified flood risk as a factor that should prevent the grant of a nuclear site license for the proposed power station. Subject to appropriate requirements being imposed (as discussed in Appendix C) the Environment Agency do not oppose the proposed development on the grounds that the safety of the proposed nuclear installation would be compromised by flood risk. We have no reason to question these assessments.
- 4.250 The proposed infilling of the Holford Valley would aggravate the flood risk to properties outside the Hinkley Point C site in the Stolford area, by marginally increasing the level to which water would rise in an extreme flood event (though not by increasing the incidence of such events). This matter is considered further at paragraph 4.405 et seq below. Mitigation would be provided through the development consent s106 Agreement, by means of a financial contribution to the Stolford Area Flood Fund (PD112,

Schedule 12). We also consider that a DCO Requirement (Requirement P13) should provide for a flood risk management strategy, as proposed by the Environment Agency (see Appendix C, para 66 et seq). We consider that these measures would do much to alleviate the aggravated flood risk in the Stolford area.

Traffic

- 4.251 Matters relating to the routing of buses through Stogursey are considered in paragraph 4.72 et seq above.

Views from Wick Moor to Holford Valley

- 4.252 Matters relating to the visual impact of the road on views across Wick Moor to Holford Valley are considered in paragraph 4.195 et seq above.

General Mitigation for the Parish of Stogursey

- 4.253 There is no doubt in our minds that the host parish of Stogursey would be on the 'front line' in terms of the effects stemming from the proposal. In addition to the specific mitigation measures discussed above, Schedule 2 of the s106 Agreement contains a provision for a Community Fund of £12.8million to be set up to provide funding for works to mitigate *'the intangible and residual impacts of the project on the communities in the area of benefit (which includes the parish of Stogursey) through schemes measures and projects which promote the economic, social or environmental well being of those communities and enhance their quality of life.'* (PD112, Schedule 2).
- 4.254 We also note the Applicant has put forward a voluntary 'Main Site Neighbourhood Support Scheme' which includes a Noise Insulation Scheme and a Property Price Support Scheme applicable to the hamlets of Knighton, Burton, Shurton and Wick. This latter scheme offers homeowners within the boundary of the scheme the difference between the 'without Hinkley Point C' value and the 'with Hinkley Point C' value for their homes if they wish to sell their property, plus a sum of £5,000 to assist homeowners with their moving costs. In the case of homeowners being unable to sell their property, the Applicant offers (on a discretionary basis), to purchase or to consider renting the property. As of the end of August 2012, of the 179 properties eligible, 63 homeowners had registered an interest in the Property Price Support Scheme (HE199, Appendix 4).
- 4.255 Although we heard arguments from interested parties questioning the fairness of the Property Price Support Scheme, it seems to us that the proposals are fundamentally sound and we are satisfied that the Applicant's proposal to *'endeavour to engage the local district valuer'* in the case of a third valuation should lead to a fair valuation. We do not, however, overlook the impact on the cohesion of a community where a large number of people are

potentially selling their homes and moving. This aside, we are nonetheless of the view that the Property Price Support Scheme is a reasonable response to the feared impacts.

Conclusion

- 4.256 In combination, our view is that Hinkley Point C (if it goes ahead) would have a significant effect on life, particularly in those parts of the parish of Stogursey closest to the site. At times, the levels of noise would be increased and traffic volumes would increase significantly, particularly on the C182. A number of PRow would be lost. In addition there would be adverse effects on the landscape and from many viewpoints in the locality the new power station would be readily visible alongside Hinkley Point A and B. There would also be some impacts associated with the plan to house a temporary workforce in the area and the make up of the community would be likely to change as some homeowners choose to sell up and move away, taking advantage of the Property Price Support Scheme.
- 4.257 The concerns felt by the community was summed up by one interested party at our last open-floor hearing in September in Bridgwater, that should the DCO be made, Stogursey would be 'stuffed'. Although we would not have described the situation in such strident terms, there is no doubt in our mind that the settlements closest to the site would be adversely affected and would face a much more rapid change than would be typical for a rural community of this nature.
- 4.258 Overall our view is that the combination of specific compensation and mitigation measures for residents living near the site that would be secured by the requirements, together with the further mitigation that would be secured by the s106 Agreement and the two voluntary support schemes noted above, would go some considerable way to provide mitigation for the losses that the community would suffer. Whilst in general we take the view that the losses individuals would suffer would probably not be as severe as they fear, it has to be recognised that the impact would be real. For some, we recognise that no compensation for the losses they would suffer could ever be sufficient.

COMBWICH

- 4.259 The proposals for Combwich relate to the proposed improvement, enlargement and operation of Combwich Wharf (the Wharf)¹; a proposed Combwich freight laydown facility (the laydown area) and alterations to the gated access road serving the Wharf.
- 4.260 The depth of local concern in relation to proposals for the Wharf and laydown area was evident throughout our consideration of these matters, evidenced by representations received from residents of Combwich, the level of attendance at the open-floor hearing held in the village, and by the number of people who came to the Combwich issue-specific hearing that we held in Bridgwater. Throughout the examination, representatives of Otterhampton Parish Council were particularly helpful in collating and putting forward the views of the Combwich community to us and we thank them for this.

Operating Hours and Noise Disturbance

- 4.261 We received many representations from interested parties expressing concerns about the hours of operation and the impact that noise from the proposals would have on their living conditions, particularly during the night. In our view, the potential for disturbance from noise is intricately linked to the hours at which construction and subsequent activities would occur at the Wharf and the laydown area; the nature of the proposed activities; and the proximity of residential dwellings to those activities. The Wharf is close to several residential properties in the village and, understandably, residents of Riverside and other properties closest to it were particularly concerned on this account.
- 4.262 In the following paragraphs, we first consider matters relating to the proposed working hours, activities and the noise impact of proposals at the Wharf, before turning our attention to the proposed laydown area.

Refurbishment of the Wharf – working hours

- 4.263 There would be two distinct phases during which residents could be affected by noise from the Wharf. First, the proposed refurbishment and extension of the existing facility; and second, its operation, when it would be used to receive deliveries of abnormal indivisible loads (AILs) and other materials needed for the construction of Hinkley Point C.
- 4.264 As to the works required in connection with the refurbishment and enlargement of the Wharf, Requirement C3A(1) would limit working hours. In summary, it would allow construction and demolition works to take place normally only between 08:00 and

¹ Combwich Wharf is currently only used to accept occasional deliveries of AILs.

19:00 on Mondays to Fridays (excluding public holidays) and 08:00 and 13:00 on Saturdays. Thus, normally no construction work would be permitted on Saturdays after 13:00, or on Sundays or public holidays (Appendix C, Requirement C3A(1)).

- 4.265 Although we received representations from Otterhampton Parish Council calling for further reduced working hours during refurbishment of the Wharf, our conclusion is that the hours permitted by the Requirement represent a reasonable balance between the need, on the one hand, to prevent people living nearby being unreasonably disturbed and, on the other hand, to allow the work to progress reasonably quickly so as to bring the Wharf into use.

Noise during refurbishment of the Wharf

- 4.266 In its final draft DCO the Applicant proposes an amended Requirement PW24. This would provide for construction of the authorised project to be carried out in compliance with a Code of Construction Practice (PD33) unless otherwise approved by the local planning authority. Table 5.2 of the Code would set a noise threshold for construction work at Combrich Wharf of 65 dB LAeq. However, it would also provide for this limit to be exceeded for short periods to accommodate specific construction activities where agreed with the local planning authority in advance.
- 4.267 As with many civil engineering projects, the refurbishment and extension of Combrich Wharf would inevitably be a source of noise and disturbance. However, we attach weight to the enforceable noise limits that have been proposed, and to the fact that local residents would not suffer construction noise after 19:00 on weekdays, or after 13:00 on Saturdays, or at all on Sundays. The refurbishment and extension of the Wharf would be necessary to maximise the seaborne delivery of construction materials to the Hinkley Point C site, in accordance with NPS EN-1 which seeks to maximise water-borne deliveries. We support this aspect of the proposed development, and do not consider any further mitigation of construction noise during the refurbishment and extension of the Wharf to be necessary.

Operational activities at the Wharf

- 4.268 The picture in relation to 'operational' working hours at the Wharf is complex, due to the dual nature of the main activities that would take place. On the one hand, the arrival and departure of barges would be entirely linked to the pattern of high tides. On the other hand, the unloading of those barges and the onward movement of deliveries to the laydown area and Hinkley Point C would be less constrained.

Unloading of barges

- 4.269 Requirement C13 would normally prevent vessels being unloaded at the Wharf before 07:30 or after 18:30. It would also regulate the times at which vehicles could travel to and from the Wharf (Appendix C, Requirement C13).
- 4.270 On the face of it, these proposed working hours, seven days a week, would not appear to provide much comfort to the residents of Combrich that a balance had been struck which would safeguard their quality of life. Indeed, Otterhampton Parish Council argued for more restrictive hours of use including a total embargo on weekend working (HE191).
- 4.271 It seems to us, however, that the working hours proposed by the Applicant are reasonable when we take into account the timing and frequency of high tides and the need for deliveries of seaborne materials in the completion of the Hinkley Point C project.
- 4.272 On the first point, the arrival and departure of barges could take place only during a limited window of opportunity on either side of tides of 4.5m or more. This window of opportunity would not occur every day and therefore, barges could not be in the harbour to unload on a daily basis. According to the information presented in the tide timetables (HE192), tides over 4.5m occur only in two periods (each of about a week) in every lunar month. In between these times, residents would have total respite from the unloading of barges at the Wharf. They would not be subject to daily unloading activities as might incorrectly be assumed from Requirement C13.
- 4.273 On the second point, we consider further restrictions could result in a significant delay in the delivery of seaborne materials, and in the completion of the Hinkley Point C project. For instance, if a barge could not be unloaded in time to catch the tide for its departure because of restricted working hours, it might have to occupy its berth at the Wharf for an additional day, thereby preventing the arrival of a second barge. We therefore conclude that further restrictions on the times at which barges could be unloaded would be neither necessary nor appropriate (Appendix C, Requirement C13).

Berthing and departure of barges

- 4.274 The berthing and departure of barges is governed by the availability and pattern of high tides. The application draft DCO contained no requirement restricting the nocturnal movement of vessels to or from the Wharf. This aspect of the Applicant's proposals was fiercely opposed by interested parties for two main reasons; firstly, fears about noise particularly at night; and secondly, the impact that unlimited use of all high tides could have on the ability of recreational users to get out onto the water.

- 4.275 Amongst the many representations we received, Otterhampton Parish Council, in particular, argue for a requirement that would prohibit vessel movements to or from the Wharf on certain days each month (HE190).
- 4.276 Mid way through the examination, the Applicant proposed a new requirement, C13A, which would prohibit vessels from arriving or departing from the Wharf on high tides predicted to occur between 22:00 and 06:00. We consider this a very important requirement and necessary to protect the occupants of residential properties close to the Wharf from nocturnal disturbance. We are also of the view that, whilst 06:00 is early, the changing pattern of tides would mean that, in practice, the number of predicted arrivals on tides expected to occur near to 06:00 would be modest.

Recreational Use of Tides

- 4.277 Many representations referred to the impact that the Applicant's proposed use of tides during daylight hours would have on the recreational use of Comwich Pill and the River Parrett. We heard how recreational users would be constrained to using the same high tides to get out of and back in to Comwich Pill. In addition to Otterhampton Parish Council, many interested parties seek a reduction in the number of high tides available to the Applicant.
- 4.278 The Applicant's original proposal was to reserve the right to use all high tides over 4.5m (the lowest usable tide for craft delivering loads to Hinkley Point C). This would provide maximum flexibility to bring in AILs given the unpredictability of factors such as weather and delivery schedules. The Applicant explained that this 4.5m limit would mean that, at most, 67% of all high tides would be useable and also argued that many leisure users would be able to use tides of 3.5m and thus have access to a fuller range of tides.
- 4.279 We also considered the implications of the Applicant's proposed Requirement C13A. The restriction on the nocturnal movement of vessels to or from the Wharf would effectively reduce the availability of high tides over 4.5m from 67% to 55% of all high tides.
- 4.280 As previously indicated, tides of 4.5m or more occur only in two periods (each of about a week) in every lunar month. In the intervening weeks, recreational users of the Pill would therefore enjoy predictable and uninterrupted access to all high tides.
- 4.281 A further factor in our consideration of the use of high tides for deliveries at the Wharf, is the extent to which tides could be shared between barges and leisure craft. In this regard, the Applicant's reported findings of the navigational simulation exercise undertaken by HR Wallingford Ship Simulation Centre are instructive. This study looked at, amongst other things, how

barges would berth at and depart from the Wharf and the approximate time they would take to complete these manoeuvres. Although initial indications suggested that, conservatively, this could take up to 90 minutes (HE189), the Port of Bridgwater Harbour Master agreed that in practice it could take as little as 30 minutes in total (HE193). Thus in our view, there would be opportunities for sharing of tides.

- 4.282 We received further evidence from the Applicant, indicating that with tides of 4.5m, water levels would exceed 3.5m for a period of about 2 hours 45 minutes. For tides of 6m, water levels would exceed 3.5m for about 3 hours and 45 minutes. The Applicant argued that therefore, recreational users would have access to many of the same high tides as the Applicant. The Harbour Master supported this view. He referred to a communication protocol by which leisure users would be notified when it was safe to use the water, possibly by means of a flag system, although the precise detail would be worked out in dialogue with the Applicant and leisure users (HE189).
- 4.283 Whilst we accept that there would be opportunity for some safe sharing of tides between leisure users and the Applicant, our view is tempered by the knowledge that it is slack water that is highly valued during a high tide for all types of user. Slack water is particularly important for inexperienced leisure users wishing to come back to their berth or a slipway. As such, we acknowledge the possibility of tide sharing but we also recognise that, particularly for inexperienced recreational users, this may be undesirable.
- 4.284 Notwithstanding this, we consider it important that the fullest possible use should be made of the Wharf to deliver construction goods to the power station site and that the proposed development should proceed expeditiously. We conclude that the imposition of an additional restriction on vessel movements would be counter to these objectives.

Noise from the Use of the Wharf

- 4.285 Berthing, unloading and departure of vessels would inevitably generate noise in close proximity to residential properties near the Wharf; indeed, the ES predicts that noise from AIL arrivals and departures would be 56 dB LAeq at the façade of 24 Riverside, the nearest noise sensitive receptor (APP140, Table 9.7). The unloading of AILs and construction goods would also be sufficiently noisy to cause disturbance; at a predicted level of 62 dB LAeq at 24 Riverside for AIL unloading, and at a predicted level of 58 dB LAeq at 24 Riverside for construction goods unloading.
- 4.286 In response to concerns expressed by several interested parties, the Applicant proposed the introduction of Requirement C13B, which would regulate the noise from generators aboard craft

moored at the Wharf. The Applicant also proposed an operational noise monitoring scheme for the Wharf (see Appendix C, Requirement C3D). This would prevent Combwich Wharf from being brought into use until a scheme to monitor the effect of noise management measures has been submitted to and approved by SDC.

- 4.287 We note that some noise mitigation would also be available to homeowners with properties close to the Wharf through the Applicant's voluntary Transport Noise Insulation Scheme (REP007).
- 4.288 Having regard to the evidence available to us, we accept that it would not be practical to impose a requirement setting maximum noise limits for berthing and departing vessels. However, controls on the hours during which these activities would be able to take place, the restriction on the use of on-board generators, the monitoring of operational noise and the mitigation offered by the Transport Noise Insulation Scheme, would enable the Wharf to continue to receive goods, whilst providing some level of protection against the worst effects on those properties closest to the Wharf.
- 4.289 On balance, we conclude that noise from the use of Combwich Wharf would not be sufficient to justify the refusal of development consent for this part of the project.

Communication Protocol

- 4.290 The Applicant has committed to commissioning tide timetables specifically for Combwich should the DCO be made, and to provide recreational users with a best estimate of expected AIL deliveries on a monthly basis (HE189). This would enable recreational users to receive information in advance to help them plan how and when they make use of Combwich Pill and the River Parrett. The information would also be useful more generally to residents of Combwich, particularly those living near to the Wharf, by enabling them to know when to anticipate the arrival and departure of vessels at the Wharf (see Appendix C, Requirement PW29).

Air Quality

- 4.291 At the DCO issue-specific hearing on 31st August, we explored the issue of emissions from tugs. We were satisfied, following responses of both the Harbour Master and the Applicant, that the control of tug emissions was not a matter that the DCO needs to be concerned with.
- 4.292 As to more general air quality concerns, we accept that residents living nearby could be affected by dust and other airborne emissions during construction. However, construction work on the site would be controlled by the Code of Construction Practice, which would be enforced by Requirement PW24. In our view this

should adequately safeguard the living conditions of residents of Combwich.

The Use of Combwich Wharf to Receive Bulk Construction Materials

- 4.293 In responding to several interested parties who question the use of Combwich Wharf for materials other than AILs, the Applicant argued that their proposals were in line with national policy, which supports the use of water-borne transport where possible. We agree; indeed we note that, the delivery of bulk construction materials by sea is specifically encouraged by NPS EN-1 paragraph 5.13.10. Further, we can see no evidence to suggest that the importation of bulk construction materials would prevent Combwich Wharf from fulfilling its primary purpose (ie receipt of AILs for Hinkley Point C). Accordingly, we support the proposals to receive bulk construction materials through the Wharf.

The Laydown Area

- 4.294 During the examination, we received representations from several interested parties questioning the proposed use of the laydown area for storing materials other than AILs, and in particular the proposal to use it to store road-borne goods (see the commentary on Requirements C15 and C15A in Appendix C).
- 4.295 As to this matter, given the clear direction of national policy to encourage deliveries of goods by sea (NPS EN-1, para 5.13.10) we do not consider that it would be reasonable to restrict the use of the laydown area only to AILs. Notwithstanding this, we were concerned about the suggestion that the laydown area might also be used to store road-borne freight. In our first round questions we sought further clarification on the matter (PDEC05).
- 4.296 In response, the Applicant explained that the principal purpose of the laydown area would be the temporary storage of seaborne goods, with priority given to AILs. However, the Applicant went on to argue that as a result of agreeing to a reduction in the size of the main site as part of the site preparation works negotiations (due to the roll back of the southern boundary) there had been a subsequent reduction in the amount of space available for storing construction materials on the main site, which in turn increased the potential need for temporary storage space off-site. Further, the Applicant argued that it required flexibility in its freight logistics programme and did not, nor could not at this stage, know how successful its procurement strategy would be of bringing bulk construction materials in by sea.
- 4.297 Whilst we accept some of this explanation, we were not convinced by the Applicant's view of how successful its procurement strategy might be. We consider that, at the very least, the scale and duration of the construction programme would afford the Applicant

and its selected contractors a strong card to play in procurement negotiations to ensure receipt of bulk construction goods by sea.

- 4.298 In their representations, some interested parties further argue that the laydown area could end up being used to create a 'double-drop' system, where materials arriving in bulk by road would be broken down into smaller scale batches for onward movement to the main site, thereby generating many additional vehicle movements. We are not convinced, given the additional costs that would inevitably be incurred in managing goods in this way.
- 4.299 Critically, it seems to us that the occasional use of spare capacity at the laydown area for road-borne goods would not be particularly harmful or detrimental to any matters of acknowledged importance. Accordingly, we are of the view that it would serve no purpose to restrict the use of the laydown area in the way suggested.

Size of the Laydown Area

- 4.300 Another point of concern relates to the size of the laydown area. This is a matter over which the proposals of the Applicant and the views of interested parties diverge widely.
- 4.301 The Applicant argued that at its peak, 3.1ha of storage would be required for AILs and 3.2ha for water-borne construction goods (REP007 & REP013). Otterhampton Parish Council disputed this, arguing that the operational needs of the laydown area meant that a site of no more than 3.1ha would be required (REP081).
- 4.302 We asked the Applicant to explain how in practice it might reduce the laydown area to 3.1ha (whilst making provision for any necessary flood protection to the area) (HE212). Although the Applicant provided this information, it also stressed again the operational importance of having a laydown area of the size proposed. To support this, further information on the types of and quantities of construction goods that it envisaged might be imported by sea was provided (PD130). We found this further information persuasive and conclude that, on balance, the benefits of providing a laydown area of the size proposed outweigh any harm that would be caused. Accordingly, we see no reason for the Secretary of State to modify the DCO in this regard.

Laydown Area – Hours of Operation

- 4.303 As to the potential for noise from the laydown area to disturb local residents, the hours of operation would be controlled by proposed Requirement C13. Our views on this are set out in Appendix C. In short, we conclude that, given the restriction on working hours at the laydown area that would be secured by this Requirement, any further restriction limiting noise levels would not be justified.

The Potential for Increased Flood Risk

- 4.304 Many interested parties expressed concern over the potential for increased flood risk as a result of the construction and operation of the laydown area. The EA also initially raised concerns regarding the adequacy of the Applicant's flood risk modelling and flood risk assessment. In consequence, the Applicant undertook additional modelling work, the results of which were submitted shortly after the start of the examination.¹ The EA subsequently confirmed that this further modelling met their concerns (PD081).
- 4.305 Having studied the results of the flood risk assessment, we note that, in the event of a breach of the River Parrett flood defences near to the proposed the laydown area, flood levels on the farmland between the laydown area and the river would be increased. There are no dwellings here, however, and, importantly, the assessment establishes that the potential for flooding of properties in Comwich would not be increased. Accordingly, we see no reason to change the proposal on this account.
- 4.306 Our conclusions on Otterhampton Parish Council's argument that the proposed laydown area should be subjected to a further sequential test are set out in Appendix C. We do not consider such a test to be necessary.

River Parrett Trail

- 4.307 We note that the proposals for the laydown area maintain and safeguard access to the River Parrett Trail which broadly runs along the western bank of the river. This is an important recreational asset locally and is part of the wider tourism offer for Somerset. Although views inland from the River Parrett would be altered by the proposed laydown area, we note that it would be located some distance away, across a field from the footpath. As such we consider its impact would be softened and we welcome the safeguarding of this public right of way.

Traffic and Transportation

- 4.308 Access to the C182 from Brookside Drive and the location of the HGV 'control' point are discussed in paragraph 4.51 et seq above.

Defence against Nuisance

- 4.309 Otterhampton Parish Council raised an argument around a defence against nuisance for operations at Comwich. This is considered in paragraph 8.62 et seq below. Our conclusion is that the defence to

¹ The additional modelling is contained in an Addendum to the Comwich/Junction 23 Flood Risk Assessment Modelling Report (APP301).

statutory nuisance proceedings provided by Article 7 of the DCO would be appropriate.

Lease of Combwich Pill

4.310 This matter is considered in paragraph 7.92 et seq below.

CANNINGTON

Introduction

4.311 The C182 is the main road to Hinkley Point and joins the A39 immediately to the south of the village of Cannington. Although there are other minor roads allowing access to the site, this means the vast majority of vehicles travelling from the west and south, would typically pass through Cannington on their way to Hinkley Point C. Accordingly, matters related to transport and traffic are a major concern for the local community and we received many representations to this effect.

Timing of the Cannington Bypass

- 4.312 Residents of Cannington in particular, questioned whether the construction of the power station should be permitted before the proposed Cannington bypass is complete and open to traffic.
- 4.313 As to this matter, there is no doubt in our minds that, despite the mitigation proposed on the existing route through the village, the environmental conditions in the heart of Cannington would be materially worsened if construction of the power station were to be allowed to begin before the bypass is opened.
- 4.314 Our detailed views on this matter are set out at paragraph 4.36 et seq above. In summary we conclude, having taken all relevant matters into account, that it would not be reasonable to impose an additional requirement that would restrict the number of HGVs passing through the village in the period before the bypass opens (ibid).

Route of the Cannington Bypass

- 4.315 Most interested parties are fundamentally supportive of the need for a bypass of Cannington, albeit that overall a preference was initially expressed for an eastern bypass and not the western bypass proposed by the Applicant.
- 4.316 We accept that, as with the majority of bypass proposals, there would be 'winners' and 'losers' as a result of the proposed Cannington bypass. In this instance, the western side of Cannington would be disadvantaged and negative impacts would be felt. These impacts would include severance in relation to Sandy Lane and Brymore House 'ride' (a tree lined avenue leading to Brymore School); noise during construction and operation; and visual intrusion, resulting from the permanent change to the landscape. In this regard, those living on Chads Hill and looking to the west, would be particularly affected.
- 4.317 By contrast, the proposed Cannington bypass would bring direct benefit to the centre of Cannington, including people living along

High Street, Main Road and Rodway, as a result of the reduction in traffic travelling through the village.

- 4.318 Overall it is clear to us that the benefits that would arise to residents of the village as a whole, would be significantly greater than the losses that would be suffered by residents on the western edge of the village. Accordingly, we see no reason on balance, for the Secretary of State to turn down the proposal, due to the impact of the bypass on the western edge of the village of Cannington.

Network Resilience

- 4.319 A major concern that was raised with us in several representations is the 'resilience' of the network serving the power station site. In essence, it was pointed out that there is effectively only a single road connecting Bridgwater to the power station site (the A39 between Bridgwater and Cannington and the C182 from Cannington to the site).
- 4.320 There is no doubt in our minds that this situation is not completely satisfactory. Our detailed views on this matter are set out in paragraph 4.22 et seq above.

Cannington Park and Ride Site

- 4.321 Some interested parties living close to the location of the proposed park and ride site in Cannington, argue for its relocation to the other side of the A39.
- 4.322 The reasoning underlying this was not entirely clear to us but we suspect that the arguments for an alternative site stemmed, at least in part, from concerns that the living conditions of those people with houses looking out towards the site would be adversely affected by a park and ride site in the location proposed. To our minds, this is the main matter at issue.
- 4.323 As to this matter, the nearest dwellings to the proposed park and ride site are located some 200m from the parking areas. The site would be clearly visible from these dwellings across open fields, but the distance and the landscaping that would be provided around the site boundaries, in our opinion, would ensure that any harm to their outlook would not be significant. Similarly, the evidence in the ES is that those living nearby would not be materially disturbed by noise from activities on the site. Lighting on the site would be visible at night, but with appropriate design (which would be secured by Requirement CP8 - see Appendix C) we are satisfied that there would be no unacceptable impacts.
- 4.324 Accordingly, we see no reason for the Secretary of State not to make a DCO including provision for a park and ride site at Cannington as proposed by the Applicant.

Flooding

- 4.325 In their representations, several interested parties express concerns regarding the potential for the proposed bypass and park and ride site at Cannington to exacerbate historic flooding problems in the village.
- 4.326 Both proposals would introduce significant new areas of hard paving, and it seems us that, without the necessary precautions, existing flooding problems in Cannington would probably be made worse. The bypass design includes 2 proposed 'balancing ponds', however, the purpose of which is to ensure that the rate of surface water run-off from the completed bypass would be no greater than is currently the case. At the park and ride site a similar 'detention pond' is proposed.
- 4.327 Agreed requirements that we recommend should be attached to any DCO that the Secretary of State might decide to make would ensure that the works are carried out in accordance with the findings of the flood risk assessments with appropriate arrangements in place for providing and managing balancing ponds and other flood preventative measures (see Appendix C, Requirements CB7, CB8, CB9, CB10, CP10, CP10A, CP11 and CP12A).
- 4.328 With the protection that these requirements would collectively afford, we conclude that there is no reason for the Secretary of State not to make the DCO on account of flooding concerns at Cannington.

OTHER MATTERS

The following 'other matters' are set out in alphabetical order.

Air Safety

- 4.329 The site for the proposed nuclear power station is remote from any operational aerodrome. Paragraphs C.5.44 and C.5.45 of NPS EN-6 confirm that the Civil Aviation Authority (CAA) has advised Government that it is reasonable to conclude that any affected aerodromes or air traffic control area, would be able to mitigate any effects arising from an increase in the restricted area around the Hinkley Point nuclear power complex. They are further reported as advising that it is not anticipated that any new restricted area established in connection with the proposal would impact on local aerodrome operations.
- 4.330 In their relevant and written representations submitted to the examination (RREP1196 and WREP03) the CAA confirmed that they had previously been consulted on the application by both DECC and the Applicant and that their representations on the proposal fundamentally aligned with that advice. They continue to advise that:
- There would be a need to extend the protective airspace around the new nuclear facility, by establishing a new air exclusion zone (restricted area).
 - Whilst the height of the power station structures proposed would not be such as to trigger a legal requirement to install aviation lighting or to show the structures on aviation maps, lighting is nonetheless recommended.
 - The aviation industry would need to be appropriately advised of any proposals for gas venting and/or flaring.
- 4.331 The Ministry of Defence (MOD) in their relevant representation (RREP999) provide a specification for the aviation lighting. The MOD also advise that, whilst the site does not occupy any statutory safeguarding zone, it is close to the Lilstock firing range and the Air Danger Area containing the Lilstock Range overlaps with the air exclusion zone (the restricted area) for Hinkley Point B. To manage this overlap, provisions are in place to enable military aircraft using the range to pass through the exclusion zone subject to authorisation from the power station operator. With the proposed new power station, the air exclusion zone would need to be extended and similar provisions for the extended area agreed.
- 4.332 As to range activities, the representation confirms that the outfall and intake structures and the proposed jetty would all fall outside the target area. They would nonetheless be within Danger Area D119 and a management plan would need to be submitted to

coordinate activities and ensure safe operations. This would be secured by Requirement PW26 (see Appendix C).

4.333 With this requirement in place, the MOD's representation confirms that they have no safeguarding objection to the proposal.

4.334 Having regard to the above, we conclude that there is no reason on air safety grounds to refuse consent for the proposal.

Biodiversity

Policy context

4.335 Section 5.3 of NPS EN-1 defines biodiversity as the variety of life in all its forms and encompasses all species of plants and animals and the complex ecosystems of which they are part. Paragraph 5.3.4 states that the Applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.

4.336 In our examination we have taken into consideration the relevant legislative requirements protecting biodiversity as well as the Government's strategic aims as set out in 'Working with the grain of nature – A Biodiversity Strategy for England' as follows:

- A halting, and if possible a reversal, of declines in priority habitats and species, with wild species and habitats as part of healthy, functioning ecosystems.
- The general acceptance of biodiversity's essential role in enhancing the quality of life, with its conservation becoming a natural consideration in all relevant public, private and non-governmental decisions and policies.

4.337 Throughout the examination we have sought to ensure that appropriate weight has been attached to designated sites of international, national and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment.

4.338 As a general rule, we have examined how the project aims to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives.

4.339 Habitats Regulations Assessment matters are addressed in Chapter 5 of this report and are not repeated here.

Designated sites

4.340 The project has the potential to interact with a number of statutory and non-statutory sites and features with biodiversity

interest. These include sites of national, regional and local importance.

- 4.341 NPS EN-1 (paras 5.3.10 and 5.3.11) is clear that impacts on nationally designated sites should be given a high degree of protection and that requirements and/or planning obligations to mitigate the harmful aspects of the development should be implemented where possible, to ensure the ongoing conservation and enhancement of the site's biodiversity or geological interest.
- 4.342 The NPS is also clear that, when it comes to the non-statutory designated sites, due consideration should be given to such regional or local designations. However, given the need for new infrastructure, these designations should not be used in themselves to recommend refusal of development consent.

Protected species

- 4.343 Particular species of flora and fauna are subject to statutory protection (for example from deliberate disturbance), normally because of their vulnerable conservation status. Exceptions (or 'derogations') from this strict protection are allowed only in certain limited circumstances. Where derogation is possible, a licence can be granted to enable an activity (which might ordinarily breach the protective provisions) to be carried out lawfully.
- 4.344 As to protected species, licences from Natural England (NE) would be required wherever protected species would be disturbed by the works. It was stated in the application form (APP002) that applications had been submitted to NE for a number of protected species licences pursuant to the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992. We are satisfied that the Applicant is alive to the need for this and we have no reason to believe that, should the DCO be made and the works proceed, the appropriate licences would not subsequently be issued.

Anticipated effects

- 4.345 As would be expected with a project of this size there is the potential for a number of sites to be affected. The sites which could be affected are shown on Figure 22.4 of the ES, Chapter 22 (APP097) and the relevant sites are discussed below.
- 4.346 Bridgwater Bay National Nature Reserve (APP101, Volume 2, Figure 1.5) is part of the Bridgwater Bay Site of Special Scientific Interest (SSSI) which is located adjacent to the main Hinkley Point C site. This site could be indirectly affected by the development. However, the Bridgwater Bay SSSI is part of the Severn Estuary SAC/SPA and Ramsar (APP101, Volume 2, Figure 20.2) and is

therefore protected by European Directives. The European sites are discussed in Chapter 5 of this report.¹

- 4.347 The Quantocks SSSI is part of the Exmoor and Quantocks Oakwoods SAC (APP097, Volume 2, Figure 22.4). This site could be indirectly affected by the development. However, as with the Bridgwater Bay SSSI above, as it is part of a SAC it is protected by European Directives.
- 4.348 The Hinkley County Wildlife Site (CWS) is located partly within the main site and part of it would be lost during construction (APP101, Volume 2, Figure 20.4). There are a number of legally protected species supported on the site including badgers, bats and reptiles.
- 4.349 The Combwich Brick Pits CWS is located close to Combwich Wharf (APP139, Volume 7, Figure 14.3). It is a non statutory site but does support legally protected species including reptiles, otters and voles.
- 4.350 The development at Junction 23 (J23) is near to the Bridgwater Bay National Nature Reserve, but no part of the J23 site is itself a designated site (APP143, Volume 8, Figure 14.2). Notwithstanding this it does support several legally protected species including bats, great crested newts and a range of invertebrates.
- 4.351 The Cannington bypass site is not subject to any wildlife designations, but it does support protected species including bats, otters and great crested newts (APP134, Volume 5, Figure 14.2).
- 4.352 As would be expected with development of the type proposed significant areas of vegetation would be lost during construction both on the main site and some of the associated development sites. The features that would be lost include woodlands, hedgerows and other wildlife habitats.

Proposed mitigation and requirements

- 4.353 The Applicant would appear to be aware of the losses that could occur and we are satisfied that appropriate measures would be put in place, where practicable, to identify and retain sensitive ecological features and to minimise significant impacts on wildlife. The proposals also make provision for significant new areas of landscaping to be provided on land surrounding the operational power station and on some of the associated development sites. This would be secured by a series of requirements (see Appendix C).
- 4.354 Other requirements that would work to mitigate the effects on wildlife on the main site include Requirements P1 (tree

¹ SSSIs are given national protection by the Countryside and Wildlife Act 1981 (as amended).

¹protection); P2 (protection of reptiles); P3, MS1A and MS1H (bat mitigation measures); P16 (vegetation clearance); P16A (ecological monitoring and mitigation); P16B (habitat management); MS4 and MS18 (control of lighting). These requirements are discussed in Appendix C of this report. They are not controversial and we support their inclusion in any DCO that the Secretary of State is minded to make.

- 4.355 The biodiversity mitigation measures that would be required at the associated development sites vary from site to site depending on the ecological interests currently present. As with the main site we are satisfied that the Applicant is aware of the features present and that appropriate measures would be put in place, where practicable, to identify and retain them and to minimise significant impacts on wildlife. As with the main site, these measures would be secured by requirements (see Appendix C).
- 4.356 Having regard to the above, our overall conclusion is that the Applicant has paid due regard to the need to protect, so far as practicable, those features of biodiversity interest that occur on the main development site and each of the associated development sites. Where this would not be practicable, we are content that provision for appropriate mitigation in consultation with the relevant statutory bodies has been considered and included in the proposals.
- 4.357 We are further content that the requirements that we recommend the Secretary of State should attach to any DCO that he is minded to make, would operate to ensure that biodiversity interests are protected during construction. The landscaping and other mitigation measures proposed as part of the development should make appropriate provision for restoration and mitigation of biodiversity interests that would be lost, with enhancement where practicable.

Bridgwater

- 4.358 Bridgwater is the nearest large town to the Hinkley Point C site. It is located to the west of the M5 and almost all vehicles approaching the site from the motorway would need to pass through it. Within the town, two temporary campuses are proposed to house the workers during the construction phase. Freight handling facilities are also proposed close to J23 and J24 of the M5, as are park and ride sites in the same locations. The J23 site would also include a bespoke centre to be used for induction

¹ Subsequently we recommend that these 3 requirements are combined into one single requirement – MS1A – see paragraph 5.143.

of new workers arriving in the area, together with a consolidation centre for postal and courier deliveries to the main site.¹

- 4.359 In addition to the impacts associated with this built infrastructure it is expected that existing accommodation in Bridgwater would be occupied during the construction phase by some non home-based workers who would travel to work at the site. It is also expected that other construction workers who are living elsewhere would travel into Bridgwater during their leisure time, to make use of its range of facilities.
- 4.360 Given the pivotal role that Bridgwater would have in the construction of Hinkley Point C, summarised above, we were not surprised that it was the focus of many representations from interested parties during the examination.
- 4.361 The majority of these representations concern matters that are considered elsewhere in this report. The impact that traffic associated with the construction works would have on congestion in the town was a concern of many (see para 4.18 et seq above). Others expressed their regret at the loss of the facilities currently provided by the Bridgwater Sports and Social Club given its role in the local community and which it is proposed to close and demolish to make way for the Bridgwater A campus (see para 4.373 below).
- 4.362 Others spoke of the potential for the proposal to have adverse socio-economic consequences on the town (see para 4.140 et seq above).
- 4.363 In general terms our conclusion on each of these matters is that, with the mitigation which would be secured by the s106 Agreement and the requirements that we recommend should be attached to any DCO that the Secretary of State is minded to grant, significant harm would be avoided.
- 4.364 Notwithstanding this we are mindful that, should the proposal go ahead, the town would be affected by numerous changes at the same time and that the potential for the cumulative impact on the town to be greater than the sum of the individual parts is a matter that we considered at some length.²

¹ Whilst these facilities would be provided at the J23 site for the majority of the construction period, equivalent facilities would initially be provided on the J24 site and retained until such time as the J23 facilities are available for use.

² The wider issue of intangible and residual impacts occurring in the area affected by the proposal is recognised by the s106 obligation to set up a 'Community Fund' to mitigate such impacts through schemes, measures and projects which promote the economic, social or environmental well-being of the affected communities. The sum committed to this fund by the s106 Agreement totals £12.8million (PD112, Schedule 2). As we understand it the funding would be available for schemes, measures and projects within Bridgwater as well as elsewhere in Somerset (subject of course to more specific funding not also being available to mitigate the impact in question).

- 4.365 Our conclusions in this regard are not firm and we accept that others may well reach a different judgement. Overall though our view is that the town, taken as a whole, would undoubtedly change as a result of the proposed development. Some of the changes that would occur would be perceived as negative, notwithstanding the mitigation proposed. Many others, however, would be positive. There is no doubt in our minds that the construction of Hinkley Point C and its subsequent operation would present a significant opportunity for the Councils and other stakeholders to rebase the town's economy away from one reliant largely on distribution to one more focussed on the nuclear power sector and its supply chain. In the longer term, when the power station is operational, around 900 permanent jobs would be created, which we see as being a significant benefit to both the town and the wider area.
- 4.366 Our conclusions in this matter are, we understand, shared by the Councils who in the Statement of Common Ground submitted in August formally record their longstanding support for the principle of a new power station at Hinkley Point C (PD084). In the statement they further acknowledge *'the benefits it will bring to the local area'* and note their agreement that the project would be acceptable with the benefit of the mitigation that would be secured by the s106 Agreement and the proposed requirements (ibid). We agree.

Bridgwater A and C Accommodation Campuses

- 4.367 The application proposes two accommodation campuses in Bridgwater (Bridgwater A and Bridgwater C) located on either side of the A39 around 1km north-east of the town centre. Bridgwater A would provide accommodation for up to 850 workers housed in 25 three-storey buildings. Bridgwater C would be much smaller, with accommodation for up to 150 workers, housed in 4 buildings.
- 4.368 In addition to the accommodation buildings, both sites would include parking spaces for workers to use, and pick up and set down areas for the buses that the Applicant proposes to provide to transport the workers to the main site. A permanent amenity building would be located at Bridgwater A,¹ containing a canteen and other facilities and sport fields would be provided on both sites. Access to both sites would be via priority junctions from the A39.
- 4.369 The proposed facilities at Bridgwater A and C are an integral part of the Applicant's proposals for housing the workforce required to construct Hinkley Point C. Whilst accommodation for workers is proposed, 'dwellings' are not, and we are satisfied that both

¹ A canteen building would also be provided on Bridgwater C. However, this would be temporary only and would be removed as soon as replacement facilities become available on Bridgwater A.

proposals fall within the definition of associated development set down in s115 of the Planning Act 2008.

- 4.370 The site for Bridgwater A is now in the control of the Applicant. The part of the site furthest from the road comprises vacant industrial land that until recently was owned by Innovia Cellophane. The complex was closed several years ago, however, and the buildings that formerly stood on the site have since been demolished. The front part of the site contains pitches and buildings currently occupied by the Bridgwater Sports and Social Club. Planning permission for redevelopment of the whole of the site as part of the North-East Bridgwater development was granted in 2010.
- 4.371 The site for Bridgwater C is much smaller. The main part of it is a training pitch used by the Bridgwater Albion Rugby Football Club (RFC).
- 4.372 As to the merits of the proposals, those for Bridgwater C are generally non-contentious. The proposal is supported by the Bridgwater RFC and, whilst the training pitch would be lost, we are satisfied that a replacement would be provided (see para 8.72 below).
- 4.373 The proposals for Bridgwater A are more contentious and several interested parties object to the loss of the playing fields and other facilities that the Sports and Social Club currently provides. We understand their concerns and, whilst we appreciate that the current facilities would in all probability be lost in any event to the North-East Bridgwater development, we recommend that any DCO that the Secretary of State is minded to make should contain a requirement that would preclude the development of the existing playing fields at the Bridgwater Sports and Social Club until such time as a scheme for their replacement has been submitted to and approved by the local planning authority. Our reasoning that led us to this recommendation is set out later in this report at paragraphs 8.73 et seq.
- 4.374 Other concerns raised by interested parties include representations suggesting that concentrating the two accommodation campuses in the same part of Bridgwater was unwise and could lead to social unrest. We do not find these representations to be backed by evidence and have given these concerns limited weight. This is considered further in paragraph 4.140 above.
- 4.375 A further concern, raised initially by the joint Councils but not subsequently pursued by them, concerned the 'temporary' nature of the campuses proposed, particularly at Bridgwater A. This they and others saw as inherently wasteful of resources. In their view another form of accommodation such as that provided for athletes

at the London Olympics¹ would have been preferable. Indeed, both the Applicant and SDC envisage that the proposed Bridgwater C campus buildings might ultimately be used by Bridgwater College as teaching space or residential accommodation.

- 4.376 As to the merits of the point, we agree that the removal of the accommodation blocks, when construction of the power station is complete, would appear to be inherently unsustainable. However, both of the campus sites lie within Flood Zone 3, and the Applicant's Flood Risk Assessments do not look beyond the mid-2020s. In these circumstances we do not consider that it would be appropriate to grant development consent for the erection of permanent buildings on either site. It would, of course, be possible for a planning application (supported by a longer term Flood Risk Assessment) to be made for the permanent retention of the Bridgwater C buildings. As far as Bridgwater A is concerned, our role is to examine and report on the application as made. It is not for us to suggest an alternative strategy for the development of the site or the long-term use of the proposed buildings. We accordingly did not pursue this matter further.

Bridgwater Bay Wildfowlers Association

- 4.377 Concerns were raised by Bridgwater Bay Wildfowlers Association ('the Wildfowlers') in relation to the 'Excepted Area'² that forms part of the foreshore of Bridgwater Bay National Nature Reserve (PD083). The Wildfowlers explained their ability to access the foreshore would be obstructed during the construction of Hinkley Point C and consequently, their ability to carry out wildfowling would be compromised.
- 4.378 Natural England subsequently agreed in principle to an extension of the Excepted Area by half a kilometre to the east for the duration of the construction period, a move welcomed by the Wildfowlers (PD083). This would, in our view, adequately mitigate the impact of any temporary loss of access to the foreshore for wildfowling purposes.
- 4.379 A further matter raised by the Wildfowlers relates to the impact that the proposed network of public rights of way would have on access to the foreshore in the long-term. Natural England has offered to make the extension to the Excepted Area permanent if the project goes ahead, however, and it seems to us that doing so would effectively mitigate for any loss of access that would otherwise occur.

¹ ie accommodation that could be used initially as temporary accommodation for workers but which could subsequently be adapted for permanent use by others.

² The 'Excepted Area' is an area designated for wildfowling and other recreational use such as shore angling on the foreshore to the north of Hinkley Point.

Climate Change

- 4.380 Section 4.8 of NPS EN-1 highlights the need for the design of development to take into account the potential effects of climate change. It advises, in summary, that designs should take account of the latest UK Climate Change Projections and identify appropriate adaptation or mitigation measures to cover the lifetime of the infrastructure proposed.
- 4.381 Given its location on the coast and its likely lifespan, the proposed power station is potentially vulnerable to the effects of climate change, which include rising sea levels. However, the security of the site itself against inundation due to flooding, including flooding from the sea, is a factor that it is for others to regulate (see para 4.8 above). Accordingly, we do not comment further on the matter in this report.
- 4.382 Notwithstanding this, the ES notes specifically that the potential for flood risk both to the site itself during construction and operation and elsewhere did take into account future climate change projections. The assessment concluded that there would be no risk to the development site during construction and operation. Furthermore, having considered the engineering designs proposed, we are satisfied that adaptation measures could be introduced in the future should the need arise, without giving rise to any significant adverse consequential impacts.
- 4.383 Accordingly, we see no reason to question the matter further.

Code of Construction Practice

- 4.384 The Applicant has submitted a Code of Construction Practice (CoCP) which sets out management measures that the contractors engaged on the construction of the proposed development would be expected to adopt and implement. These measures are designed to maintain satisfactory levels of environmental protection and limit disturbance from construction activities as far as is reasonably practical (PD033). The CoCP is part of an Environmental Management System.
- 4.385 The CoCP includes the measures which were detailed in the Subject Specific Management Plans (SSMPs) submitted with the application documents (APP151 & APP152). SSMPs have been provided by the Applicant for the main site and the associated development sites covering the following matters:
- Air quality
 - Land contamination
 - Water
 - Noise and vibration
 - Soil
 - Materials
 - Environmental incidents.

Each of these matters is described in the CoCP and includes control measures for design, construction, operation and post operation. Although specific limits are not given, the relevant requirements in the DCO which underpin these measures are listed.

- 4.386 The Environmental Management and Monitoring Plans (EMMPs) are part of this system and were submitted with the Application Documents (APP151 & APP152).
- 4.387 These are part of the Environmental Management System Documentation (PD033) and, with the SSMPs, are proposed to inform contractors of measures required to ensure compliance with environmental legislation, deliver mitigation measures as identified in the ES, and elsewhere, and demonstrate compliance by monitoring, recording and reporting such compliance.
- 4.388 All contractors would be required by the CoCP to prepare Construction Environmental Management Plans (CEMPs) using the SSMPs and EMMPs for each site. When prepared, these CEMPs would be submitted to the relevant regulatory bodies and local authorities for consultation before they are finalised.
- 4.389 There would be contractual requirements for all contractors to comply with all applicable environmental legislation as well as the Environmental Management System.
- 4.390 The CoCP was the subject of lengthy consultation between the Applicant, the EA and the joint Councils who confirmed their agreement with its contents at the issue-specific hearing on HRA matters and ecology on 23 August. The EA subsequently wrote confirming that they found the CoCP acceptable for their purposes (REP108). Notwithstanding this the Fairfield Estate voiced several concerns regarding its adequacy (REP57 & REP115). These are discussed in paragraphs 38 - 45 of Appendix C.
- 4.391 We recognise that by definition the CoCP is a document which encourages good practice and good housekeeping. However, we consider that specific measures for implementation described in the requirements would be adequate to mitigate the effects of construction on the residents in the vicinity of the sites and the environment.
- 4.392 It is our opinion that should the Secretary of State be minded to make the DCO, the CoCP should be secured by Requirement PW24 (as amended).

Combined Heat and Power (CHP)

- 4.393 Government policy requires all applications for thermal generating stations (including nuclear power stations) to either include CHP or contain evidence that the possibilities for CHP have been fully explored, but discarded for sound reasons (NPS EN-1, s4.6).

- 4.394 The proposed power station at Hinkley Point C would not contain CHP plant; neither would it be built in such a way as to allow CHP plant to be easily retrofitted at a future date.
- 4.395 As to the justification for this, the Applicant carried out an extensive study into the feasibility of CHP at Hinkley (PD037). The conclusions were summarised in the sustainability statement submitted with the DCO application (APP297). The study concludes, in short, that the potential for CHP at Hinkley is extremely poor; there is little by way of development close to the site of the proposed power station and, whilst the potential for using heat in Bridgwater and other nearby urban areas¹ is higher, even there, any CHP scheme using heat generated at Hinkley Point would be unable to deliver energy at a price that would be competitive with gas. During the examination no evidence was presented to question this conclusion.
- 4.396 Given the size and distribution of towns, villages and other settlements in relative proximity to the site, and the type of housing and businesses located there, we are not surprised at the outcome of the study. Accordingly, we conclude that there is no reason for the Secretary of State to refuse to make the DCO on the grounds that CHP is not proposed. Equally we see no practical advantage in imposing a requirement that any plant built on the site should be 'CHP ready'.

Grid Connection

- 4.397 The proposed nuclear generating station at Hinkley Point C would require a new connection to the national high-voltage electricity transmission network ('the grid') and the application submitted included a Grid Connection Statement (APP283). This statement confirms that the Applicant has concluded a connection agreement with National Grid to provide a connection to the electricity grid capable of taking the output from the proposed generating station. Whilst the detailed terms of this agreement may be changed, the principle it establishes is to make National Grid responsible for the design and construction of the connection, including obtaining the necessary consents.
- 4.398 At the time the examination closed, National Grid had not made an application for a DCO for the new electricity lines that would be required. However, a considerable amount of work has been done, and consultations on alternatives for a new 400kV transmission connection between Bridgwater and Seabank have been carried out. This work culminated in the selection of a preferred route corridor in September 2011.

¹ Notably Burnham and Highbridge 'cluster'.

- 4.399 Alternative proposals for connecting the proposed generating station to the existing transmission infrastructure associated with Hinkley Point A and Hinkley Point B have also been drawn up.
- 4.400 Whilst the precise arrangements of the grid connection are not certain at this stage, and we understand that the details of the route are contentious, we are not aware of any obvious reason why a grid connection would not be possible. Accordingly, and having regard to the advice in the NPS, we see no reason why this matter should adversely influence the Secretary of State's decision as to whether to make a DCO for a new generating station at Hinkley Point C.

Historic Environment

- 4.401 As would be expected with any development of the size proposed, adverse impacts on the historic environment would occur and the ES submitted with the application contains a comprehensive inventory of the various heritage assets that would be directly and indirectly affected by the proposals (APP095, Chapter 23).
- 4.402 Of particular note amongst these, the scheduled ancient monument Wick Barrow (a Neolithic/Bronze Age barrow - also known as Pixies Mound) is located near to the western end of Wick Moor, to the south of the 2 existing power stations at Hinkley Point. It is modest in size and, whilst it retains visual links to Wick Moor, its setting is, in our opinion, already significantly compromised by the existing power stations. Given its proximity to the Hinkley Point C site, further harm to its setting during construction and operation of the power station would, in our opinion, be inevitable, albeit that the landscaping and screen planting proposed would in the longer term help to reduce the impact. Mitigation would be further assisted by the monument management plan required by a condition attached to the preliminary site preparation works planning permission.¹
- 4.403 Other heritage assets near to the site include numerous listed buildings in Stogursey, Shurton and other smaller settlements, some of which would suffer adverse effects on their settings. In the wider area there are numerous burial mounds and other prehistoric sites on the Quantock Hills, some of which are located on the hill slopes facing the site. Notwithstanding the distance between these and the proposed power station site, the ES assesses the impact on their settings as significant.
- 4.404 Within the main site the majority of Green Lane would be protected and preserved. This would be secured by a condition attached to the preliminary site works planning permission. Elsewhere, whilst topsoil stripping and earthworks would result in

¹ This condition should be replicated in any DCO for Hinkley Point C that the Secretary of State is minded to make (see Appendix C, Requirement P9).

the removal of all heritage assets, a further condition would secure excavation and archaeological investigation with recording and publication of details and archiving of finds and records to be placed in an appropriate museum. These conditions too should be carried through to any DCO that the Secretary of State is minded to make.

Holford Valley Infilling – Flood Risk Considerations

- 4.405 The scheme for the proposed power station requires the Holford Valley to be filled and the stream that currently runs through it to be culverted.
- 4.406 Doing so would reduce the area of the valley that would be available to store water in an extreme flood event and thereby increase the vulnerability of several third party properties located around Wick Moor to flooding. The extent of this potential flooding was assessed by the flood risk assessment (FRA) submitted to support the application (APP078). This showed, in summary, that (i) predicted flooding of properties would only occur in the event of an extreme flood event, such as a breach or overtopping of the sea defences to the east of the Hinkley Point power stations (the Stolford defences); and (ii) that, with the proposed valley filling, the depth of flood water predicted to occur in these properties would be increased compared to that predicted to occur if the valley were not infilled.¹ Plainly, this is undesirable and should be mitigated if possible.
- 4.407 As to the possibilities for mitigation, filling of the Holford valley is an integral part of the proposal. The fill would be placed early in the construction period and would remain in place throughout the operational phase of the power station and, in all probability, permanently thereafter. Somehow modifying the design of the proposed power station to omit the infilling of the valley would not, in our opinion, be realistic.
- 4.408 Maintenance of the Stolford defences that currently protect the properties in question from flooding from the sea is the responsibility of the EA and this would not change as a result of the development proposed. The consequences of an overtopping event would, however, be increased should the valley infilling proceed and we agree with the EA that appropriate mitigation for this would be to increase the monitoring regime for the defences. This would help to ensure early identification of any damage and hence allow remedial action to be quickly undertaken. Accordingly, we recommend that, should the Secretary of State decide to make

¹ The FRA predicts that for climate change year 2100 the flood levels at the most affected properties would be increased by up to 0.09m during a 1.0% AEP overtopping event. Predicted flood levels are not, however, increased at any residential properties in the equivalent 2100 breach event, or in any climate change year 2017 event (APP078, Section 8.4).

the DCO, a requirement to this effect should be put in place (see Appendix C, Requirement P13).

Human Rights

- 4.409 A number of those making representations to us have suggested possible infringements of their human rights, as a consequence of either the manner in which the proposed DCO has been examined, the exercise of the proposed compulsory acquisition powers, or the effect of the proposed development on their interests or living conditions. Four of the Convention Rights set out in Schedule 1 of the Human Rights Act 1998 are in question.
- 4.410 Article 6 of that Schedule establishes that, in the determination of his or her civil rights, everyone is entitled to a fair and public hearing, within a reasonable time, by an independent and impartial tribunal established by law. We are such a tribunal. All interested parties had the opportunity to make written representations to us, and to appear at hearings, which we held at various venues in the area affected by the proposed development during the examination period. In addition, we considered submissions from persons who had not registered as interested parties. In the interests of openness and fairness, we considered only material that was available for public scrutiny and comment. We consider that our examination was conducted in accordance with Article 6.
- 4.411 Article 8 establishes that everyone has the right to respect for his or her private and family life, and home. No homes would be taken to facilitate the proposed development. However, the circumstances of some people's private and family lives would change as a result of the environmental impact of the Applicant's scheme. Nevertheless, Article 8 establishes a qualified right, which can be interfered with, if necessary, in the interests of the country's economic well-being. We consider that the proposed scheme would meet this criterion. Any resulting interference with Article 8 rights would be necessary and proportionate in securing these interests.
- 4.412 Similar considerations apply to Article 1 of the First Protocol, which asserts that every person is entitled to the peaceful enjoyment of his or her possessions; and that no one shall be deprived of such possessions except in the public interest. We are satisfied that, although the proposed development would interfere with some people's peaceful enjoyment of their possessions, this would be proportionate and necessary in the public interest, and there would be no violation of Article 1 of the First Protocol.
- 4.413 Finally, Article 14 prohibits discrimination on a number of grounds, including sex. It has been put to us that women would suffer specific (but unidentified) problems as a result of the proposed development, and would thereby suffer discrimination. However,

we can see no foundation for this assertion in the absence of evidence. We are not persuaded that the Applicant's project would violate Article 14.

Junction 23 Associated Development Site

- 4.414 The proposed associated development site at J23 would be located on low lying farmland between the A39 and the River Parrett. A new access from the nearby 'Dunball' roundabout would lead into the site which would accommodate a freight handling centre, park and ride site, workers' induction centre and a consolidation centre for postal and courier deliveries to the main site.
- 4.415 Work on the site is shown on the revised indicative programme as commencing in mid 2013. It is expected to take some 17 to 21 months to complete and the indicative construction programme provided by the Applicant in response to our second questions shows the site as open at full capacity by the end of 2014 (REP012).
- 4.416 The facilities that the site would accommodate are important components of the Applicant's overall strategy for minimising the transportation impacts of Hinkley Point C during the construction phase. They are not controversial and the site is relatively remote from sensitive receptors who might be disturbed by noise and the like from the comings and goings at the site.
- 4.417 With the safeguards that would be afforded by the suite of requirements that would apply to the site (see Appendix C, 'J23' requirements) we see no reason why the site should not be developed as proposed.

Junction 24 Associated Development Site

- 4.418 The proposed freight management and park and ride facility at J24 would occupy the site of a former 'Safeway' distribution centre on the Huntworth Industrial Estate, close to J24 of the M5. The Applicant proposes to modify the existing storage building and site to provide:
- a park and ride site with spaces inside the existing building and externally for up to 1,300 cars and other light vehicles
 - a freight management facility, including an area to park up to 140 HGVs.
- 4.419 Temporary consolidation facilities for postal/courier deliveries and a temporary worker induction centre would also be built on the site. These would be used early in construction phase until such time as replacement facilities are completed at J23. When the J23 facilities are complete and open the number of parking spaces at the J24 site would be reduced to 698 and 55 respectively.

- 4.420 The proposal to reuse the site in the manner proposed for the duration of the construction phase appears to us to be sensible and non-contentious locally.
- 4.421 Given the various safeguards that would be secured by the requirements applicable to this site (see Appendix C, 'J24' requirements), we conclude that there is no reason for the Secretary of State to refuse to grant development consent for the proposals at this site.

Safety

- 4.422 Whilst the NPS makes it clear that all matters relating to nuclear safety are primarily for other regulators (Notably the Office of Nuclear Regulation (ONR) and the Environment Agency (EA)) to consider and regulate, NPS EN-1, paragraph 4.11.4 notes in relation to safety matters generally that:

The [examining authority] should be satisfied that an assessment has been done where required and that the Competent Authority has assessed that [the proposed infrastructure] meets the health and safety objectives.

- 4.423 With regard to this matter it is clear to us that the HSE (through the ONR) and the EA are actively engaged in examining the safety of the proposed power station. The Applicant has made an application for a nuclear site licence and the advice we were given by the ONR is that there is no obvious reason why a nuclear site licence should not be issued in due course.¹
- 4.424 Plainly, this would not cover all safety related matters and, if construction of the proposed generating station proceeds, many other permits and consents will need to be applied for and granted. Some would relate to operations carried out only during construction; others, however, would relate to the operation of the power station, covering matters such as the handling and storage arrangements for potentially dangerous chemicals.
- 4.425 Having regard to the evidence submitted with the application (APP002), we are satisfied that the Applicant is aware of the range of permits and consents that would be required to construct and operate the proposed power station and the associated development sites.
- 4.426 Whilst several of these applications have yet to be made (and most have yet to be determined) we have no reason to believe that the conditions necessary for these licences and consents to be granted would not be met and appropriate licences and consents granted in due course. Health and safety concerns would thereby

¹ Indeed we understand the licence was granted on 26 November 2012.

be addressed. Accordingly, we conclude that there is no reason to refuse to make the DCO on safety grounds.

Williton Park and Ride Site

- 4.427 The proposed park and ride at Williton would occupy the site of a former lorry park on the western side of the B3190, some 1,000m north of the A39. It would accommodate a maximum of 160 parked vehicles.
- 4.428 The park and ride site would be located more than 1000m from the centre of Williton in a location with few residential properties nearby. The priority junction between the B3190 and the A39 (Washford Cross) would be upgraded to a roundabout. Overall the proposal to use the site as a park and ride site appears to us to be sensible and non-contentious locally.
- 4.429 Given the various safeguards that would be secured by the requirements applicable to this site (see Appendix C, 'W' requirements), we conclude that there is no reason for the Secretary of State to refuse to grant development consent for the proposed park and ride site at Williton.

5 HABITATS REGULATIONS ASSESSMENT

Policy Context

- 5.1 The UK is bound by the terms of the EC Habitats Directive (and the EC Birds Directive).¹ The aim of the Habitats Directive is to conserve natural habitats and wild species across Europe by establishing a network of sites known as Natura 2000 sites. The Habitats Regulations 2010 (as amended), which implement the Habitats Directive in England and Wales, provide for the protection of 'European sites' which comprise Special Areas of Conservation (SACs), candidate SACs (cSACs), Sites of Community Importance (SCIs) and Special Protection Areas (SPAs). In addition, the National Planning Policy Framework requires that internationally important wetlands (sites within the Ramsar Convention)² and some other important sites, including some compensation sites, are given the same level of protection for the purpose of considering development proposals which may affect them.³
- 5.2 National Policy Statement (NPS) EN-1 gives guidance on the matters concerning the Habitats Regulations which should be considered when examining an application (NPS EN-1, para 4.3). In particular the Applicant should consult with the Statutory Nature Conservation Bodies (SNCBs), (Natural England (NE) and the Countryside Council for Wales (CCW)) and provide such information as may be reasonably required to determine whether an Appropriate Assessment (AA) is necessary. In the event that an AA is necessary, such information that may reasonably be required to conduct an AA should be provided including information on any mitigation measures that are proposed to minimise or avoid likely effects.
- 5.3 In addition to the NPS, ODPM Circular 06/2005 and Defra Circular 01/2005 (Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System) provides administrative guidance on the application of the law relating to planning and nature conservation as it applies to England.
- 5.4 The Hinkley Point C site was identified in the NPS for Nuclear Power Generation EN-6 in paragraph 4.1. As part of this NPS, a Habitats Regulations Assessment (HRA) was carried out at a strategic level for the NPS and for each of the proposed sites. This scoped into the screening process all of those European sites within a 20km radius of the Hinkley Point C site. This assessment identified, among other things, the following potential effects:

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora; Council Directive 2009/147/EC on the Conservation of wild birds.

² Convention on Wetlands of International Importance Especially as Waterfowl Habitat: - Ramsar 2.2.1971: as amended.

³ National Planning Policy Framework, paragraph 118.

- Potential negative effects on protected conservation sites and designated species, including the Severn Estuary and the Bridgwater Bay.
- Potential for adverse effects on water quality caused by the abstraction and release of cooling water.
- Potential for significant cumulative effects if two new nuclear power stations (Hinkley Point C and Oldbury) and any potential Severn Tidal power projects were delivered.

Habitats Regulations Assessment Relevant to Nationally Significant Infrastructure Projects

- 5.5 Regulation 61 of the Habitats Regulations states that if a proposed development is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans and projects), and is not directly connected with or necessary to the management of the site, then the Competent Authority (CA) must make an AA of the implications for that site in view of its conservation objectives. Unless the CA's AA concludes that the integrity of the European site will not be adversely affected, the CA must not agree to the proposal, subject to Regulation 62 (considerations of overriding public interest). The CA in this case will be the Secretary of State.
- 5.6 Planning Inspectorate Advice Note Ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects, summarises a four stage process which should be followed to ensure that sufficient information is available to support the CA in satisfying the regulations. This Advice Note was substantially updated following the closure of the Hinkley Point C examination. The Applicant followed the advice in the previous version.
- 5.7 The four stages of an HRA, detailed in both the previous and updated Advice Note Ten are:
- (1) Screening
 - (2) Appropriate Assessment (AA)
 - (3) Assessment of alternative solutions
 - (4) IROPI (Imperative Reasons of Overriding Public Interest).
- 5.8 The screening stage of the process is carried out to determine if significant effects, alone or in-combination with other projects, are likely to occur. If no likely significant effects are identified, then a 'No Significant Effects Report' should be prepared. If the CA agrees that this is the case then no further action is required and authorisation may be granted.
- 5.9 The AA stage is required under Regulation 61 of the Habitats Regulations, which reflect Article 6(3) of the Habitats Directive. It states:

Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the sites conservation objectives.

- 5.10 The updated Advice Note Ten advises the Applicant to provide (with the application) matrices in order to assist the relevant Secretary of State as a CA in fulfilling the requirements of the Habitats Directive and the Habitats Regulations in the context of the Planning Act 2008 process. The matrices should comprise:
- Screening Matrices which summarise the likely significant effects of the project on the European sites.
 - Integrity Matrices which summarise the information required for the AA if one is required (see Advice Note Ten for further information).
- 5.11 During the Examination these matrices would normally be updated by the Planning Inspectorate on behalf of the Panel. The evidence used to inform the matrices includes:
- application documents
 - representations
 - Statements of Common Ground (SoCGs)
 - responses to Panel questions
 - examination responses
 - hearings.
- The matrices seek to provide a clear audit trail to explain the basis for any revisions, and identify where agreement has been reached, or not, between the parties. Due to the circumstance described at paragraph 5.6 above in this case the matrices were prepared solely by the Planning Inspectorate.
- 5.12 These matrices and the evidence gathered during the examination were presented in a 'Report on the Implications for European Sites' (RIES) (PD118). During the examination we invited comments on the RIES from the SNCBs and interested parties in a letter dated 26 July (PDEC26). The RIES and the comments received form part of the evidence for our recommendation to the Secretary of State. When the RIES was presented, the SNCBs and interested parties were informed that this process might be relied on by the CA for the purposes of Regulation 61(3).¹
- 5.13 It is for the CA to decide whether or not a plan or project needs an AA. The Applicant's information to inform the CA's AA may conclude, beyond reasonable scientific doubt, that the project

¹ Regulation 61(3) requires the CA to consult the relevant SNCBs and have regard to their representations for the purposes of his AA.

would not adversely affect the integrity of any European site. If this cannot be demonstrated then the Applicant's assessment would need to move to Stages 3 and 4 of the HRA process described in paragraph 5.7 above.

Competent Authority Co-ordination and Interlinked Decisions

- 5.14 The Habitats Regulations provide that a CA is not required to assess any implications of a plan or project that would more appropriately be assessed by another CA¹. In some cases interlinked decisions need to be taken and the Government encourages co-ordinated working between CAs in such situations, including the possibility of agreeing a lead CA or undertaking a shared AA. In July 2012 Defra published new guidance explaining how and when CAs should undertake co-ordination to fulfil their responsibilities under the Directive. This Guidance was issued after the start of the examination so this approach was not used. Notwithstanding this, detailed discussions took place between the various parties involved.
- 5.15 The Hinkley Point C project is one where more than one CA may need to undertake an AA. These include:
- The Secretary of State under the Planning Act 2008 (as amended)
 - The Marine Management Organisation for licences required in connection with the marine jetty, harbour, and cooling water works
 - The Environment Agency (EA) for permits including for water discharge activities.
- 5.16 In July 2012 the MMO made a Harbour Empowerment Order (HEO) (PD090) and issued licenses authorising the construction of a temporary jetty at the site. However, at the time the examination closed these were still open to legal challenge. Accordingly our view is that should there not have been a legal challenge by the time this DCO is considered by the Secretary of State, he may choose to rely on the provisions of the licences to deliver mitigation.
- 5.17 In response to the applications made for discharge consents required for the proposed power station, the EA has issued a report entitled 'Hinkley Point C Appropriate Assessment for related Environment Agency permissions, Final Version July 2012.' (PD098). However, the permit applications that triggered the report had not been determined at the time the examination closed. Accordingly, whilst the evidence underpinning this AA may be relied on for the purposes of this recommendation report, our

¹ Regulation 65(2)

view is that the provisions of the permits to deliver mitigation cannot similarly be relied on at this time.¹

- 5.18 During the examination it became apparent that the MMO as CA for the Marine Licenses were of the opinion that mitigation measures related to the control of impacts in the marine environment would best be secured by conditions on the licenses and not as requirements on the DCO (RREP1191, para 7.3). We questioned this, suggesting that where licences had not been issued, it would be necessary for the CA to ensure that any mitigation required to avoid significant effects on Natura 2000 sites was secured through requirements included in the DCO. Following discussions, the MMO agreed and stated that they were content that such requirements could be included in the DCO, notwithstanding that this could result in some duplication (HE211, para 3.1).
- 5.19 It is therefore our opinion that it is appropriate for the Secretary of State, to assess the implications of the whole application submitted including the temporary jetty, other marine works and the water discharge activities, rather than leave elements to be assessed by another CA.

Project Location

- 5.20 The proposed Hinkley Point C development site is located on the West Somerset coast, 25km to the east of Minehead and 12km to the north west of Bridgwater. It is approximately centred on National Grid Reference (NGR) 320300 145800 (APP092 para 1.1.1).
- 5.21 The main site is adjacent to the Severn Estuary SAC, the Severn Estuary SPA and the Severn Estuary Ramsar site. These are shown on Figure 1.3 of the Applicant's HRA Report (APP092). European sites in the wider area are shown on Figure 1.4 of the same report.
- 5.22 The International and European sites that have been screened into the HRA process are:
- The Severn Estuary – SAC/SPA/Ramsar
 - Exmoor and Quantocks Oakwoods – SAC
 - Somerset Levels and Moors – SPA/Ramsar
 - Mendip Limestone Grasslands – SAC
 - Hestercombe House – SAC
 - River Usk – SAC
 - River Wye – SAC
 - River Tywi – SAC.

¹ In short, this is because there is no guarantee that the licences (which have been issued in draft for comment) will be finally issued and, if they are, will contain conditions in the form proposed in the drafts.

- 5.23 A full description of these sites and their conservation objectives is given in the Applicant's 'Report to Inform Habitats Regulations Assessment' (APP092, Appendix 7). A summary of the main designation features are given below:

Severn Estuary SAC

- 5.24 This is designated for containing various habitats of international importance identified under Annex I of the Habitats Directive including:

- estuaries
- mudflats and sandflats not covered by sea water at low tide
- Atlantic salt meadows.

Annex I habitats present as a qualifying feature but not a primary reason for selection of the site include:

- sandbanks which are slightly covered by sea water all the time
- reefs.

It is also designated for supporting Annex II migratory fish including:

- river lamprey
- sea lamprey
- twaite shad.

Severn Estuary SPA

- 5.25 The site qualifies as an SPA as it supports Annex I bird populations of European importance including:¹

Over winter

- Bewick's swan

- 5.26 The site also supports populations of European importance of the following migratory species:

On passage

- ringed plover

Over winter

- curlew
- dunlin calidris

¹ Full information is given in relevant Natura 2000 Standard Data Forms for Special Protection Areas for sites eligible for identification as Sites of Community Importance and for Special Areas of Conservation

- pintail
- redshank
- shelduck.

5.27 The site also qualifies for its assemblage features as a wetland of international importance regularly supporting at least 20,000 wildfowl.

Severn Estuary Ramsar Site

5.28 The Estuary is designated as a Ramsar site due to the following:

- its immense tidal range (second largest in the world)
- its unusual estuarine communities (reduced diversity)
- its run of migratory fish, including salmon, sea trout, sea lamprey, river lamprey, allis shad, twaite shad and eel
- its estuarine fish assemblage which has over 110 species recorded.

Further, it qualifies as a site that supports a wildfowl assemblage of international importance and regularly supports 1% of individuals of a population of Bewick's swan, European white-fronted goose, dunlin, redshank, shelduck, and gadwall.

Exmoor and Quantocks Oakwood SAC

5.29 This is designated for various habitats under Annex I of the Habitats Directive including:

- old sessile oak woods
- alluvial forests.

Annex II species which are features of the designation include:

- barbastelle bat
- bechsteins bat
- otter.

Somerset Levels and Moors SPA

5.30 This site qualifies as an SPA as it supports Annex I species with populations of European importance including:

- Bewick's swan
- golden plover
- shoveler
- teal
- wigeon.

5.31 It also qualifies as it regularly supports waterfowl with populations of at least 20,000 birds. Over winter, the area regularly supports species including snipe, lapwing, pintail, gadwall, whimbrel and those identified above.

Somerset Levels and Moors Ramsar Site

5.32 This site qualifies as a Ramsar site as it supports 17 species of British Red Data Book invertebrates as well as waterfowl assemblages of international importance and species/populations occurring at levels of international importance including:

- tundra seam
- Eurasian teal
- northern lapwing.

5.33 There are also several other species identified subsequent to designation for possible consideration including:

- mute swan
- Eurasian wigeon
- northern pintail
- northern shoveler.

Mendip Limestone Grassland SAC

5.34 This is designated as a SAC as it comprises Annex I habitats of semi-natural dry grasslands and scrubland facies on calcareous substrates.

5.35 Annex I habitats that are present as a qualifying feature, but not a primary reason for selection of the site include:

- European dry heaths
- cave not open to the public
- Tilio-Acerion forests of slopes, screes and ravines.

5.36 Greater horseshoe bats, an Annex II species, are present as a qualifying feature but not a primary reason for site selection.¹

Hestercombe House SAC

5.37 This is designated as a SAC as it includes a maternity site in the vale of Taunton Deane for the lesser horseshoe bat (an Annex II species).²

River Usk SAC

5.38 This is designated as a SAC as it supports a range of Annex II species including:

- sea lamprey
- brook lamprey
- twaite shad

¹ This site was later screened out of the HRA assessment – see APP092, para 5.3

² This site was later screened out of the HRA assessment – see APP092, para 5.3

- Atlantic salmon
- bullhead
- otter.

5.39 This site includes Annex II species of allis shad as a qualifying feature but not a primary reason for site selection.

5.40 It also includes Annex I habitats of water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation as a qualifying feature.

River Wye SAC

5.41 This site is designated as a SAC due to the presence of Annex I habitats of water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation.

5.42 Annex I habitats of transition mires and quaking bogs are a qualifying feature of the site but not a primary reason for selection.

5.43 The site includes a variety of Annex II species that are a primary reason for the selection of the site including:

- white-clawed crayfish
- sea lamprey
- twaite shad
- Atlantic salmon
- bullhead
- otter.

5.44 Annex II species present as a qualifying feature but not a primary reason for site selection include allis shad.

River Tywi SAC

5.45 The River Tywi is designated as a SAC as it supports populations of Annex II species including:

- twaite shad
- otter.

5.46 Annex II species present as a qualifying feature but not a primary reason for site selection include:

- sea lamprey
- brook lamprey
- river lamprey
- allis shad
- bullhead.

Project Description

- 5.47 A description of the Hinkley Point C project is given in Chapter 3 of the Applicant's HRA Report (APP092). Further details are given in Chapters 2 to 5 of the Environmental Statement (ES) (APP095).
- 5.48 The possible impacts on the SACs, SPAs and Ramsar sites during construction, operation and decommissioning are included in the matrices in the RIES (PD118, particularly the Impact Consolidation Table on pages 10 to 12).
- 5.49 The activities which could have potential impacts on the SACs include:
- noise and artificial lighting causing disturbance to fish and barbastelle bat behaviours
 - entrainment and impingement of fish during the operation of the cooling water system
 - habitat loss affecting barbastelle bats
 - small scale habitat loss to fish from structures in the marine environment and influence on food availability during operation
 - changes in hydrodynamics/geomorphology causing changes in estuarine features, other habitats, and sediment transport, which could also affect migratory fish populations
 - discharges to water, including accidental or emergency discharges, causing changes to water quality which could affect fish.
- 5.50 The activities which could have potential impacts on the SPA/Ramsar sites include:
- noise, human activity and artificial lighting causing underwater noise and disturbance, and disturbance to feeding and roosting birds
 - entrainment and impingement of life cycle stages of fish from the operation of the cooling system
 - small scale habitat and intertidal habitat loss affecting birds
 - changes in hydrodynamics/geomorphology and sediment transfer
 - implications of the sea wall on coastal squeeze
 - discharges to water causing changes in quality and temperature affecting food resources.
- 5.51 In-combination effects with other plans and projects are considered in detail in Sections 9.3 and 9.4 of the Applicant's HRA Report (APP092). Following the initial stages of consideration, the Applicant screened out the following plans and projects as they were deemed unlikely to contribute to in-combination effects:
- aggregate extraction Area 472 in the Bristol Channel
 - Parrett Estuary Flood Management Strategy
 - North Devon-Somerset Shoreline Management Plan

- Severn Estuary Shoreline Management Plan
- Severn Estuary Flood Risk Management Strategy.

5.52 The in-combination assessment instead considered the potential effects associated with the following plans and projects:

- continued operation of Hinkley Point B Power Station
- National Grid Hinkley C Connection Project
- Bristol Deep Sea Container Terminal Avonmouth (BDSCT)
- compensatory habitat creation for the BDSCT project on the Steart Peninsula
- Withy End Wind Farm
- Black Ditch Wind Farm
- proposed new Oldbury Nuclear Power Station, South Gloucestershire.

Scope of the Assessment

5.53 The Applicant's HRA report was prepared during the pre-application stage and takes into account detailed analysis, consultation and discussion of likely impacts and effects at European sites in the vicinity of the project. Specific consultation was carried out with NE, the CCW and the RSPB. The consultation focussed on the potentially significant effects, the mitigation measures needed, and how these could be delivered by way of DCO requirements. Consultation was also carried out with other regulators including the MMO and the EA.

Consultation on the HRA

5.54 Consultation was carried out on the HRA by the Applicant during the pre-application phase of the process. This is described in detail in Hinkley Point C Project Report to Inform Habitats Regulations Assessment (APP092, para 2.3 et seq and Appendices A1-A6). The main points are summarised below.

5.55 The first Consultation was carried out between 16 November 2009 and 18 January 2010). The second public and statutory consultation was carried out on the preferred proposals by the Applicant in August 2010 (APP092, para 2.3.3).

5.56 A screening stage for the HRA Report was carried out in January 2011 (APP092, Appendix A2). This identified the main activities and effects of the project that had the potential to influence the screened-in designated sites. Effects during construction, operation and decommissioning were considered (APP092, para 5.1.2 et seq). The off-site associated developments were considered (APP092, para 5.1.6 et seq).

- 5.57 A draft version of the HRA Report was submitted to the regulatory agencies in May 2011, followed by a week-long workshop with the regulatory agencies, statutory bodies and other invited parties.¹
- 5.58 The final version of the HRA Report was provided to the regulatory agencies, the statutory authorities and the RSPB in July 2011. This was followed by a five week consultation period.
- 5.59 Regular meetings were held with Statutory Nature Conservation Bodies (SNCBs), regulatory bodies and relevant interested parties and a large number of technical reports dealing with specific matters were issued by the Applicant in the period leading up to the submission of the DCO.

Applicant's HRA Report - Screening

- 5.60 The Applicant's HRA report identified sites where there were potentially significant effects alone or in-combination based on the effects the project may have during the construction, operation and decommissioning phases. European sites that could be significantly affected by the project were screened into the assessment. Information to support the preparation of an AA was provided. European sites where designated features were not likely to be significantly affected were screened out.
- 5.61 The Mendips Grassland SAC was screened out of the HRA as the SAC is more than 20km from the Hinkley Point C site and greater horseshoe bats typically forage no more than 8km from their roost sites. It was also considered that the SAC was outside of any of the effects from the main or associated development sites, including air quality effects (APP092, para 5.3).
- 5.62 The Hestercombe House SAC was screened out as it is more than 16km from the development site and 10km away from the Cannington bypass. The lesser horseshoe bats forage up to 4km from their roost sites (APP092, para 5.3).
- 5.63 It was stated by the Applicant that the impacts during decommissioning would be similar in nature to those in the construction and operational phases, but reduced in extent (APP092, para 5.4.4).
- 5.64 The potential influences on designated features were given in detail at Tables 5.1 to 5.6 (APP092, pp142-148).
- 5.65 The information provided within the Applicant's HRA report coupled with the consultation carried out using the RIES demonstrates a consensus on the finding of No Significant Effects for the sites above.

¹ The regulatory agencies and statutory bodies consulted included CCW, EA, NE, MMO and RSPB.

Applicant's HRA Report – Appropriate Assessment

- 5.66 The European sites screened into the assessment in the Applicant's HRA Report were the:
- Severn Estuary SAC
 - Severn Estuary SPA
 - Severn Estuary Ramsar
 - Somerset Levels and Moors SPA
 - Somerset Levels and Moors Ramsar
 - Exmoor and Quantocks Oakwoods SAC.
- 5.67 The specific designation features that the Applicant identified as requiring an AA are set out in Tables 5.1 to 5.6 of the Applicant's HRA report (APP092).
- 5.68 The Applicant's HRA report and all other examination documents were open to the scrutiny of all interested parties during the examination.
- 5.69 The Applicant's report concluded that the project, both alone and in-combination with other plans or projects, would not have an adverse effect upon the integrity of the designated features of the European sites under consideration. They therefore did not carry out an Assessment of Alternative Solutions and consequently did not carry out a test for Imperative Reasons of Overriding Public Interests (IROPI) (APP092, paras 10.4.3 – 10.6.1) or seek to provide compensatory measures.

Matters Raised by Statutory Nature Conservation Bodies and Regulatory Agencies

- 5.70 During the examination specific HRA-related representations were received from consultees including:
- Natural England (RREP1019 & RREP1188)
 - the Countryside Council for Wales (RREP1189)
 - the Environment Agency (RREP1190)
 - the Marine Management Organisation (RREP1191)
 - the Royal Society for the Protection of Birds (RREP1028).

Natural England (NE)

- 5.71 The main representations from NE were that they were not satisfied that for the purposes of the Habitats Regulations the project would not have a likely significant effect on the Severn Estuary SAC, SPA and Ramsar site. They advised that an AA would be necessary. Their particular concerns were with effects on geomorphology/hydrodynamics, marine ecology and ornithology which are discussed in more detail below.
- 5.72 Further, they advised that the project, if approved, should be subject to necessary and appropriate requirements which would

ensure that unacceptable environmental effects either would not occur or would be sufficiently mitigated.

5.73 In terms of geomorphology/hydrodynamics their main concerns were that:

- Dredged material might be disposed outside of the estuary which would undermine the sediment budget and affect the estuary habitat feature of the Severn Estuary SAC and Ramsar site.
- Movements of vessels to and from the Combwich Wharf might cause possible loss of the salt marsh habitat features of the Severn Estuary SAC and Ramsar site.

5.74 In so far as marine ecology is concerned, NE referred to the impacts in relation to the Severn Estuary SAC and Ramsar site including that:

- There was insufficient evidence that the proposed Acoustic Fish Deterrent (AFD) and Fish Recovery and Return (FRR) systems would be as effective as suggested by the Applicant and that the proposals for testing the AFD and FRR systems during early operation would not result in a significant effect on fish.
- There was insufficient information to confirm that that fish entrainment would not cause unacceptable negative effects on designated species.

5.75 NE also raised concerns in relation to ornithology, throughout the Severn Estuary SPA and Ramsar site, including the following matters:

- Moulting shelduck could be disturbed by vessel movements to and from the Combwich Wharf alone and in-combination with vessel movements to and from the temporary jetty at Hinkley Point C. In this regard they suggested that the monitoring and mitigation strategy developed during the Temporary Jetty HEO Inquiry should be implemented for the project.
- Waterfowl using the intertidal habitat could be disturbed by vessel movements to and from Combwich Wharf. To mitigate this, they suggested that maximum numbers of vessel movements should be made a requirement.
- There was insufficient information on construction noise mapping at Combwich Wharf to determine whether birds might be disturbed by the noise. Here, they suggested that unless this information was available there should be a restriction on maximum noise levels or timing of construction works.

Countryside Council for Wales (CCW)

- 5.76 The main representations from the CCW were that they were unable to state that the proposals would not have a significant effect on the Severn Estuary SPA, SAC, River Usk SAC, River Wye SAC, River Tywi SAC and the Severn Estuary Ramsar site. They advised that an AA should be carried out by the Secretary of State.
- 5.77 The CCW expressed concerns arising from the potential overlap of authorisations (EA, MMO and DCO), and wished to be satisfied that all HRA concerns could be addressed by requirements that could be enforced by the relevant enforcing body with no opportunities for enforcement responsibilities to slip through the net. They were concerned that the Applicant appeared to be the enforcement body for a number of issues relating to HRA matters.
- 5.78 The CCW also expressed concerns that the proposed monitoring programmes should not be relied on to identify future adverse effects unless specific contingency measures to deal with potential effects were also identified.
- 5.79 They considered that in-combination effects, particularly with regard to Hinkley Point B should be addressed.
- 5.80 In terms of geomorphology/hydrodynamics their more specific concerns included that the linkage between environmental monitoring and effective remedial or contingency action relating to the Severn Estuary SAC and Ramsar site should be secured in the DCO by requirements.
- 5.81 In terms of marine ecology related to the Severn Estuary SAC and Ramsar site their more specific concerns included that:
- Satisfactory requirements should be included to ensure the effectiveness of the AFD and FRR systems.
 - These measures should also be addressed for effects on migratory fish features in the River Usk, River Wye and River Tywi SACs.
- 5.82 In terms of ornithology related to the Severn Estuary SAC, SPA and Ramsar sites they were concerned that satisfactory requirements should be included to ensure that there would be no adverse effects on internationally important populations of migratory and over-wintering birds and assemblages of populations of wildfowl from the concurrent operation of Combwich Wharf and the temporary jetty.

Environment Agency (EA)

- 5.83 In terms of coastal geomorphology, the EA's concerns included that the development of proposals on the main site could interfere

with the sediment regime and that the impacts in this area were unknown.

5.84 In terms of marine ecology their more specific concerns included that:

- Construction activities have the potential to cause detrimental effects on marine habitats including effects on the integrity of designated sites.
- The piling techniques proposed could cause harm to protected species – specifically Atlantic salmon and European eel.
- If the water abstraction mitigation procedures did not operate at optimal levels, harm could be caused to the marine ecology and the integrity of the designated sites.
- The AFD was not proposed to be used at slack water and they stated they could see no rationale for this approach. Further, they stated that the impact of not operating had not been assessed.
- Piling at Combwich Wharf could have a detrimental effect on migratory fish which are features of European sites, in particular Atlantic salmon and the European eel.
- Increased vessel movements on the River Parrett have the potential to have detrimental effects on the surrounding protected habitats by causing erosion on the north side of Combwich. In addition, the saltmarsh opposite the Wharf is currently in unfavourable condition due to coastal squeeze.
- Any changes in the hydrodynamic regime could increase the erosion rates around Combwich Wharf.

Marine Management Organisation (MMO)

5.85 The MMO stated that they were primarily concerned with the following works in the marine area:

- the seabed cooling water intakes and outfall structures
- the sea wall
- the jetty for bulk aggregate delivery
- the refurbishment and extension of Combwich Wharf
- the flood defence works at J23.

5.86 They stated that the following were likely to constitute licensable activities under the Marine and Coastal Access Act 2009:

- the construction of the cooling water intakes and outfall structure
- the disposal at sea of drill arisings from the intake tunnelling
- the construction of the jetty for bulk aggregate delivery
- the dredging of a berthing pocket alongside the jetty
- the disposal at sea of material dredged from the berthing pocket
- the refurbishment and extension of Combwich Wharf

- the flood defence works at Junction 23 (where they fall within tidal waters).

5.87 In terms of requirements they commented that there was a potential overlap in jurisdiction between the MMO, the Welsh Government and the DCO. Their preferred approach was that matters arising from the works in the marine area should be dealt with by way of conditions on the marine licences, if granted, rather than requirements in the Order. This would minimise the risk of inconsistency or duplication. Therefore they would not support requirements in the DCO which would otherwise be included on marine licenses. As a consequence they did not suggest any requirements.¹

5.88 The MMO's more specific concerns were various. These are considered in turn below:

- Whilst they considered that there was unlikely to be a major concern with regard to fisheries if the mitigation measures, including an Acoustic Fish Deterrent (AFD), low velocity intake and a Fish Recovery and Return (FRR) systems were demonstrated to work successfully, they were not convinced that this had yet been demonstrated.
- They did not believe that there was sufficient evidence that the AFD system did not need to be operated at slack water. They were also concerned that there was no reference or information to support the contention that the unit would provide a signal that would deflect fish.
- If Hinkley Point B operated beyond 2016 there would be a need to assess the longer term and cumulative impacts of the combined thermal plume of Hinkley Point B and Hinkley Point C on the marine ecology.
- As the River Parrett is an important migration route for eel, elver, and salmon, they noted that soft start piling was being proposed. They were also concerned that other construction activities should be scheduled to avoid peak migration periods.

5.89 In so far as the assessment of underwater noise is concerned the MMO considered this lacking in some respects, particularly with regard to impacts on mammals. They were also concerned that the assessment relied on a relatively small number of citations to support it. They had concerns that no distinction had been made between the impacts on fish and mammals.

5.90 In terms of coastal geomorphology the main concerns the MMO had were with dredging and disposal. These included:

¹ This position was subsequently changed – see para 5.91 below.

- Although investigation of the sediment had been undertaken by the Applicant, insufficient samples had been taken and further sampling and testing of the sediment would be required.
- It was stated that the dredgings were intended to be disposed locally if it did not affect the ecology or otherwise at the Cardiff grounds disposal site. The MMO did not believe this had been assessed in the ES. Further, if disposal was considered elsewhere a new disposal site would need to be designated. Alternatives to disposal at sea should also be considered under the Waste Framework Directive.

5.91 Whilst the MMO had initially expressed the concerns above they later stated that they had received sufficient clarification from the Applicant to withdraw their representations made in relation to coastal processes, benthic ecology, fisheries and underwater noise. They also withdrew their representation on dredgings and disposal as they were satisfied that the issue would be covered by a future Marine Licence (WREP49).

5.92 In their submission following the issue-specific hearing on HRA matters and ecology, the MMO confirmed that they were content with the proposed DCO requirements affecting the marine areas and were content to be the discharging authority for the relevant requirements (HE211).

Royal Society for the Protection of Birds (RSPB)

5.93 The RSPB stated that they were satisfied that there was unlikely to be any adverse impacts on SPA water birds arising from the thermal water plume from Hinkley Point C, subject to a final validation of the model.

5.94 Their more specific concerns in terms of ornithology included:

- They were not satisfied with the application of the IBM MORPH model particularly that the water bird data was seriously deficient and some of the assumptions were flawed. They further stated that they could not accept any conclusions reached in the HRA report based on the model.
- There was a need for a comprehensive site management plan to set out the full range of agreed mitigation measures in relation to water bird disturbance arising from all elements of the project, including construction and operation of the temporary jetty, the sea wall extension and the Combwich Wharf refurbishment and laydown area.
- There was a lack of baseline data on the extent and impacts on the SPAs of the existing plume from Hinkley Point B.
- That it was critical that a site management plan and post construction plan should be brought together as a single Mitigation and Monitoring Agreement.

Report on the Implications for European Sites (RIES)

- 5.95 This report was prepared by the Panel with the support of the Planning Inspectorate Secretariat. It compiles, documents and signposts information from the Hinkley Point C Project Report to inform HRA (PD118). It also references information supplied within the representations, the Statements of Common Ground (SoCG), responses to questions raised by the Panel and at hearings.
- 5.96 The RIES was issued with a letter dated 26 July (PDEC26) to all interested parties, in particular the SNCBs. Written responses from the following were received:
- Natural England
 - the Countryside Council for Wales
 - the Marine Management Organisation
 - the Environment Agency
 - the Applicant.
- 5.97 Consultees were informed that the Secretary of State may choose to rely on this consultation, for the purposes of Regulation 61(3) of the Habitats Regulations.
- 5.98 The responses to the consultation have not been incorporated into the RIES. The intention is to give the Secretary of State, as the CA, sufficient information, comprising the RIES and the responses to it by SNCBs, to inform an AA if the Secretary of State considers that one is required.
- 5.99 The RIES is in two parts, the first part is a series of screening matrices covering the main development site and the associated development sites. They collate evidence on whether the project is likely to have significant effects on the key features of each of the European sites.
- 5.100 The second part contains matrices covering the main development site and the associated development sites looking at the effects on integrity of the European sites in the context of their conservation objectives.
- 5.101 At the issue-specific hearing on 23 August 2012, on HRA matters and ecology, NE, the CCW, the MMO and the EA stated that they were content with the sufficiency of the RIES. The RSPB were not present and did not submit any further representations.

Conservation Objectives

- 5.102 Conservation objectives are defined in order to assist in the maintenance of the interest features of a European site and to reflect the quality of the site in its designated state. In determining the potential effects of a proposal on a site's habitats and species, it is necessary to determine how the site's conservation objectives could be affected.

- 5.103 NE is responsible for setting out conservation objectives for all sites within the Natura 2000 network in England. This includes SACs and SPAs. They also advise the Government on sites that qualify as Ramsar sites.
- 5.104 The CCW has similar responsibilities for conservation objectives in Wales.
- 5.105 It should be noted that the Severn Estuary SAC and SPA objectives have not yet been confirmed. We understand that this is because of the large, dynamic and varied processes operating that make it difficult to precisely define what constitutes favourable conditions with respect to the designated features.
- 5.106 Detailed information on the conservation objectives for the European sites is given in Appendix A7 of the Applicant's Report to Inform Habitats Regulations Assessment (APP092).

Assessment of Effects Resulting from the Project Alone and In-combination

Marine ecology

- 5.107 There were representations from the EA, the MMO and NE concerning the noise from construction activities, particularly piling, which could harm or disturb protected species. It was also considered that piling during the refurbishment at Combrich Wharf could have a detrimental effect on Atlantic salmon and the European eel during their migration.
- 5.108 The concern with piling is that it is a sudden and percussive noise that does not give marine species the opportunity to move away from the noise. It has therefore been agreed by the Applicant, the SNCBs and the relevant regulatory agencies that best practice methods, including soft start piling techniques should be employed. This technique is the gradual ramping up of piling power, incrementally over a set time period until full operational power is reached. This provides opportunity for fish species including designated species to detect the noise at lower levels and leave the area before full operational levels are attained, thereby limiting the disturbance and avoiding injury or direct mortality.
- 5.109 Additionally, the evidence is that most fish migration occurs during the night. The EA has therefore advised that piling activities should be restricted to daylight hours to allow a period for the fish to migrate between sunset and sunrise.
- 5.110 This procedure was agreed by NE, the MMO, the CCW, the EA and the Applicant at the issue-specific hearing on HRA matters and ecology on 23 August 2012. Further information was given by the EA in a letter dated 31 August, in Appendix 2 (HE212).

- 5.111 In the light of this, we agree that two requirements should be included in the DCO for consideration to secure the required mitigation. Requirement PW34 would be applicable project wide, whilst C22 would be specific to the works at Comwich Wharf works (see Appendix C).
- 5.112 FRR and AFD systems are proposed to avoid impacts on the migratory fish that are features of the Severn Estuary SAC and Ramsar sites during the operation of the cooling water infrastructure by limiting the impingement and entrainment of fish (APP092). There was a concern that the AFD was not proposed to be used at slack water and that high numbers of fish might be impinged.
- 5.113 Whilst the EA, the MMO and the CCW were generally in agreement with the proposals, concerns were expressed that they had not yet been proven to work satisfactorily. It was therefore agreed that water abstraction would not begin until the design of these systems and the cooling water structures had been approved by the MMO (following consultation with NE, the EA and the CCW).
- 5.114 It was further agreed that no water abstraction should take place until the installation had been completed (WREP045).
- 5.115 In order to establish that these systems would perform as expected by the Applicant, the EA and the SNCBs considered that a monitoring and adaptive measures plan should be put in place. (to be submitted and approved by the MMO before any water abstraction could commence). This plan would include the following:
- the performance of the AFD system associated with the cooling water intakes through trials and the FRR system
 - the method and monitoring of these trials
 - the additional adaptive measures consequent to these trials
 - the monitoring, frequency of monitoring and reporting requirements.
- 5.116 These issues were discussed by the Applicant, the EA, NE, the CCW and the MMO and the wording of suitable requirements agreed. At the issue-specific hearing on HRA matters and ecology all relevant parties agreed that these measures would mitigate the effects on fisheries and the designated sites. These agreed measures would be secured by Requirements CW1 and CW5 (see Appendix C).

Ornithology

- 5.117 The issue of disturbance of moulting shelduck by vessel movements to and from Comwich Wharf alone and in combination with vessel movements to and from the temporary jetty was identified as a matter of concern by NE (RREP1019). Concerns were also expressed that waterfowl using the intertidal

habitat could be disturbed by vessel movements to and from Combwich Wharf.

5.118 The EA stated that they were unable to conclude that there would be no adverse effect on the integrity of the Severn Estuary SPA/Ramsar site in terms of bird disturbance (PD098). They advised that the CAs should ensure that preventative measures were incorporated into the project to protect migratory birds and bird assemblages including:

- confining piling work to between April and September in order to avoid the winter months when birds are feeding on the exposed mudflats
- stopping construction in the event of severe weather comprising seven consecutive days of freezing weather
- developing a scheme for piling works before construction.

5.119 NE suggested that the Monitoring and Mitigation Scheme developed during the Temporary Jetty HEO Inquiry should be implemented (RREP 1019). This was developed by NE and the Applicant and a final scheme entitled 'Combwich Wharf and River Parrett Non-Breeding Wildfowl and Wader Monitoring and Mitigation Scheme' was produced (HE199, Appendix 8).

5.120 The issue of noise disturbance from Combwich Wharf was also raised by NE (RREP1019). Water birds are disturbed by impulsive noise levels. It was therefore agreed that the Applicant monitor noise during the early periods of both construction and operation on the adjacent mudflats where significant densities of non-breeding birds occur at particular times of the year. If significant levels were recorded in terms of both peaks and frequency, mitigation would have to be agreed with NE.

5.121 This approach was agreed by NE and the Applicant (HE199 – Appendix 8) and at the issue-specific hearing on HRA matters and ecology on 23 August NE, the CCW, the MMO and the EA all confirmed their agreement to it. The agreed mitigation would be secured by Requirement PW32 (see Appendix C).

Coastal geomorphology and hydrodynamics

5.122 There was concern that works on the main site and the construction of the temporary jetty, seawall and cooling water infrastructure could lead to changes in the hydrodynamic and geomorphological processes in the Severn Estuary. This has the potential to affect the features of the Severn Estuary SAC and Ramsar site through effects such as changes in the sediment transport regime.

5.123 As the effects are uncertain it was suggested that a cross-shore platform erosion and sediment transport monitoring plan should be implemented (HE212). The plan should include details on:

- the geographical extent of the monitoring
- arrangements for monitoring of the cross shore platform fronting the Hinkley Point C development site
- arrangements for sediment transport monitoring before, during and after construction
- appropriate contingency measures to be implemented should agreed trigger points be reached
- monitoring arrangements related to the off shore works and dredged areas
- the methodology and frequency of monitoring.

- 5.124 These issues were discussed at the issue-specific hearing on HRA matters and ecology on 23 August 2012 where the Applicant, NE, the EA, the CCW and the MMO each signalled that agreement had been reached on the point. It would be secured by Requirement PW28 (see Appendix C).
- 5.125 As to the concern that dredgings might be removed from the Severn Estuary, it was suggested that this could undermine the sediment budget and affect the estuary habitat feature of the Severn Estuary SAC, Ramsar site and the Bridgwater Bay SSSI. Whilst we have no reason to suppose that sediment would in fact be removed from the estuary, this cannot be guaranteed. We therefore recommend that a requirement should be included to ensure that sediment is retained in the estuary. This would be secured by Requirement PW35 (see Appendix C).
- 5.126 The movement of vessels to and from Combrich Wharf during development and operation was also identified as causing a possible loss of the saltmarsh and mudflats habitats of the Severn Estuary SAC and Ramsar site and the Bridgwater Bay SSSI by NE, the CCW and the EA (RREP1190). In this regard there was a particular concern about tugs without payloads (as their speed might be excessive).
- 5.127 Further information was also sought from the Applicant on the effect of tugs without payloads on the river. In response to this they sought an expert opinion and submitted a report 'Hydrodynamic Impacts of Barge Traffic along the River Parrett-Expert Opinion' (REP104). This concluded that tugs travelling at speeds between 3 and 7 knots would not cause problems. Further, the Applicant would have a contractual relationship with the tug owners and could therefore impose speed limits if required.
- 5.128 Following the receipt of further information from the Applicant, NE confirmed that they did not expect that the vessel movements would be a likely to result in significant indirect loss of habitat (REP061). However, as the effect could not be entirely excluded it was recommended that an intertidal monitoring and contingency plan should be prepared. This approach was supported by the EA and the CCW.

- 5.129 The intertidal monitoring and contingency plan (which we recommend should be secured by Requirement C1A in the DCO) would include:
- the geographical extent of the topographical monitoring of the intertidal shore
 - the geographical extent of the eastern flood defences of the River Parrett
 - the details proposed for monitoring of tugs without payloads
 - the methodology and frequency of monitoring.
- 5.130 Should this monitoring indicate that erosion is occurring, appropriate contingency measures would be implemented.

Water quality

- 5.131 Hydrazine is an oxygen scavenging chemical that is proposed would be used as a conditioning agent within the cooling water circuit of the power station. The EA stated in the Hinkley Point C AA for related EA permissions (PD098) that the maximum load for hydrazine and the potential mixing zone for this maximum load were potentially significant. Therefore they could not rule out the potential for an adverse effect on the integrity of the Severn Estuary SAC due to the discharge of hydrazine. Accordingly they anticipate that the environmental permit for the operational discharges will require that hydrazine is removed from the relevant waste streams before discharge.
- 5.132 Our expectation is that a condition to secure this will be included in the Environmental Permits that would be required for water discharges from the power station. However, we are mindful that these permits may not be determined before the Secretary of State makes his decision on this DCO. Accordingly, whilst we accept that the Secretary of State can rely on the competence of other statutory authorities in habitat matters we are concerned that, if these permits are not yet in existence, to do so may not offer enough certainty to comply with the requirements of the Habitats Regulations.
- 5.133 We therefore suggest that the Secretary of State considers imposing a requirement on the DCO along the following lines (see Appendix C, Requirement MS28).

'No effluent shall be discharged from the proposed development until a scheme for the control of hydrazine has been submitted to and approved in writing by the Environment Agency. No effluent shall be discharged other than in accordance with the approved scheme.'

- 5.134 Plainly, there is also the potential for discharges of surface, foul or groundwater, accidental or otherwise, during the construction and

operation of Hinkley Point C and the associated sites, to affect the water quality of the Severn Estuary and therefore the European sites. The impact of these discharges could be thermal or toxic in nature.

- 5.135 Environmental permits would be required for water discharge activities during construction, commissioning and operation of the project (PD098). The EA criteria include all discharges within hydrological continuity, surface water and groundwater of a Natura 2000 site.
- 5.136 The EA in their AA (PD098) concluded that temperature changes due to the operational discharges would not have an adverse effect on site integrity. Consequently we do not discuss this further.
- 5.137 Discharges to the River Parrett, directly or upstream of the Severn Estuary SAC, could also impact on the water quality of the SAC. Five of the off-site associated developments have the potential to affect the water quality. These are:
- Combwich Wharf
 - Combwich laydown area
 - Junction 23
 - Cannington park and ride and
 - Cannington bypass.
- 5.138 It is anticipated in the Applicant's HRA report (APP092) that these adverse effects would be mitigated by a series of requirements (see Appendix C, particularly Requirements P11A, MS19, MS1C, and C11). In addition the Code of Construction Practice (CoCP) (PD033) includes guidance to contractors on control measures to be implemented during construction, operation and post-operation. The CoCP also includes the relevant requirements included in the draft DCO. The CoCP is discussed in Chapter 4 of this report (see para 4.384 et seq above).
- 5.139 At the issue-specific hearing on HRA matters and ecology on 23 August, the EA confirmed that they were content that these requirements would be satisfactory (REP108).

Terrestrial ecology

- 5.140 During the construction of the site there would be loss of functional habitat due to vegetation clearance. Representations from NE and the EA identify that this could affect the foraging and commuting activity of barbastelle bats which have been identified on the main site and in the vicinity of Cannington. It is possible that these bats could be from roosts on the Exmoor and Quantocks Oakwoods SSSI which is part of the SAC.
- 5.141 In addition, during construction and operation, lighting could be detrimental to habitat corridors for the bats.

- 5.142 In order to compensate for habitat lost due to vegetation clearance, Schedule 5 of the Site Preparation Works s106 Agreement requires 10ha of bat mitigation to be provided (PD025). A further 15ha, would be secured by a requirement that the parties agree should be attached to any DCO that the Secretary of State is minded to make.
- 5.143 In the Applicant's proposed DCO there are three requirements that deal with this issue, P3, MS1A and MS1H. We consider that these could be integrated into one requirement, MS1A (see Appendix C, para 105).

In-combination effects

- 5.144 During the examination concerns were raised regarding the in-combination effects of Hinkley Point C with Hinkley Point B (particularly if the operation of Hinkley Point B were to be extended beyond 2023), and Bristol Deep Sea Container Terminal (BDSCT). In this respect, the EA noted that if Hinkley Point B operations were to be extended then a further HRA would be required (PD098). The CCW also suggested that the impact with Hinkley Point B should be addressed in this instance (RREP1189).
- 5.145 The Applicant considered that there could be only two specific effects where the BDSCT and operation of the Hinkley Point B could be of significance when considered in-combination with the Hinkley Point C. The effects relate to the estuarine ecology of the Severn Estuary and would be the impingement and entrainment of fish in the cooling water system and the ecological effect of the cooling water discharge (thermal and chemical) and any other impacts that could affect intertidal/subtidal ecology including habitat loss from BDSCT, Hinkley Point B and Hinkley Point C.
- 5.146 The Applicant has stated that there would be no increase in mortality of fish as a result of operational activities combining (REP104). No representations have been received to suggest otherwise and we therefore consider that the inclusion of Requirements CW1 and CW5 would secure adequate mitigation.
- 5.147 The Applicant has also stated that water quality effects during the operation stage of BDSCT would be limited to maintenance dredging and disposal operations in the port itself. Further, they consider that these activities would not interact with the water quality effects of the combined thermal discharge of Hinkley Point B and Hinkley Point C such that a greater ecological effect would occur. The Applicant considers that there would be no significant impact pathways by which this effect could occur. We have no evidence that this is not correct.
- 5.148 With regard to habitat loss, the Applicant has highlighted that the BDSCT includes a compensation scheme which would lead to an overall increase in intertidal habitat. Therefore it is possible that

there would be gain in available habitat. This finding has not been disputed by any SNCBs or regulatory bodies.

- 5.149 In considering other in-combination effects NE stated that suitable mitigation has been proposed to control effects on moulting shelduck and disturbance to non-breeding SPA waterbirds within the River Parrett. We therefore consider that the inclusion of Requirement PW32 would secure adequate mitigation. Further, NE have confirmed that they are unaware of any other elements of the projects considered in-combination that could act antagonistically with elements of Hinkley Point C to give rise to an in-combination effect (REP103).

Conclusions in Relation to Effects on the Integrity of European Sites

Policy

- 5.150 The UK is bound by the terms of the Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) (as amended).
- 5.151 Section 4.3 of NPS EN-1 gives guidance concerning Habitats and Species Regulations.

Sufficiency of process and information

- 5.152 We have examined the HRA process the Applicant has undertaken, having regard to the requirements of the Habitats Regulations and the advice in the Planning Inspectorate's Advice Note Ten and the ODPM Circular 06/2005. In our opinion, the evidence is that the Applicant has carried out appropriate consultation and screening on the potential effects of the project.
- 5.153 The Applicant did not carry out an Assessment of Alternative Solutions and consequently did not carry out a test for Imperative Reasons of Overriding Public Interests (IROPI) as they did not consider that the project, both alone and in-combination with other plans or projects, would have adverse effects on the designated features of any of the European sites.
- 5.154 A Report on the Implications for European Sites (RIES) was prepared by the Panel with the support of the Secretariat of the Planning Inspectorate using information supplied in the Applicant's HRA report (APP092) and elsewhere. This was issued to the relevant statutory and regulatory bodies for comment.
- 5.155 We held an issue-specific hearing on HRA matters and ecology on 23 August 2012. This hearing was attended by, among others, NE, the CCW, the EA, and the MMO. The RSPB were invited but did not attend. Those statutory and regulatory bodies confirmed that they

were content that the RIES contained accurate information detailing the likely effects the project would have on the designated features of European sites.

- 5.156 The SNCBs were informed that the consultation on the RIES might be relied upon by the Secretary of State as consultation under Regulation 61(3) of the Habitats Regulations.
- 5.157 We therefore are of the opinion that there is sufficient information for the Secretary of State, as the Competent Authority, to conduct an Appropriate Assessment of the project, as described in Section 4.3 of NPS EN-1 if he so decides.

Competent Authority co-ordination and interlinked decisions

- 5.158 We have considered the issue that in this project there might be more than one CA – these would include the EA (who would be the CA for various environmental permits required in connection with the development) and the MMO (who would be the CA for all marine licences required for the works).
- 5.159 It is our opinion that, as the EA permits may have not been issued by the time the Secretary of State makes a decision on the DCO, it may not be possible for the Secretary of State to rely on them to mitigate the effects of the project. We are also of the opinion that although the marine licences have been determined by the MMO for the temporary jetty, at the time the examination closed they were still open to legal challenge and therefore could not be relied upon by the Secretary of State. Our view is that should there not have been a legal challenge by the time this DCO is considered by the Secretary of State, he may choose to rely on the provisions of the licenses to deliver mitigation. In addition, further licenses will be required for marine works required in connection with the proposed cooling water abstraction and discharge plant and the construction of the proposed sea wall.
- 5.160 We therefore consider that in this case the Secretary of State would be the appropriate CA to carry out an AA, if required, on the whole application submitted, including the temporary jetty (subject to paragraph 5.159 above), other marine works and the water discharge activities that may have an adverse effect on the integrity of European sites, notwithstanding that there are other CAs for some aspects of the project.

Assessment of effects resulting from the project

- 5.161 The Secretary of State is the CA for this project and therefore will make the decision on whether an AA is required should he consider that the proposal is otherwise acceptable. However, it is our opinion that an AA would be required and that the examination has provided sufficient information for this to be carried out.

5.162 For our part, we have carefully examined the requirements included in the draft DCO which would give protection to the integrity of the European sites (and Ramsar sites) and consulted extensively with the relevant statutory bodies and regulatory authorities. The Applicant has reached agreement with these bodies that these requirements would be sufficient to secure the protection of the integrity of the designated European sites. We have no reason to disagree.

6 THE PANEL'S CONCLUSIONS ON THE CASE FOR DEVELOPMENT

The Policy Background

- 6.1 The suite of Energy NPSs was formally designated on 19 July 2011. They provide the primary basis for decisions on proposed generating stations made by the Secretary of State. Our conclusions on the case for development contained in the application before us are therefore reached within the context of the policies therein.
- 6.2 The importance that Government attaches to the provision of new energy generating capacity is clearly set out in NPS EN-1. Paragraph 3.13 in that document requires all applications for development consent to be assessed *'on the basis that the Government has demonstrated that there is a need for [the types of infrastructure covered by the NPSs] and that the scale and urgency of that need is as described for each of them...'* Paragraph 3.14 states that *'substantial weight'* should be given *'to the contribution which projects would make towards satisfying this need when considering applications for development consent under the Planning Act 2008.'* Paragraph 3.3.24 states that *'it is not the Government's intention to set targets or limits on any new generating infrastructure to be consented in accordance with the energy NPSs.'*
- 6.3 As to nuclear energy, paragraph 3.3.4 of NPS EN-1 advises that *'nuclear power is a proven technology that is able to provide continuous low carbon generation, which will help reduce the UK's dependence on imports of fossil fuels'*. In a similar vein, paragraph 3.5.3 of the NPS states *'nuclear power stations will help to ensure a diverse mix of technology and fuel sources, which will increase the resilience of the UK's energy system.'* The following paragraph of the NPS continues to set out the characteristics of nuclear power, and the advantages it would provide with regard to energy security. Paragraph 3.5.6 states that new nuclear power is one of three *'key'* elements of the Government's strategy for decarbonising the electricity sector.
- 6.4 Paragraph 3.5.9 states that the Government regards it as *'important that new nuclear power stations are constructed and start generating as soon as possible.'*
- 6.5 NPS EN-6 reaffirms the need for new nuclear power stations, stating that the decision maker should assess applications for them *'on the basis that the need for such infrastructure has been demonstrated.'* Paragraph 2.2.4 of the policy statement states that *'when considering an application for a new nuclear power station that is capable of deployment by a date significantly earlier than the end of 2025, the [decision maker] should give substantial*

weight to the benefits that would result from the application receiving development consent.'

- 6.6 The policy on the siting of new nuclear power stations is set out in section 2.3 of the statement. Paragraph 2.3.2 states that *'the Government believes that only those sites listed in Part 4 of the NPS are potentially suitable for deployment of new nuclear power stations by the end of 2025.'*¹ Paragraph 2.5.5 of the guidance notes that decision makers should *'judge an application on a listed site on its own merits and a comparison with any other listed site is unlikely to be important to its decision.'*

Assessing the Impacts of the Proposed Development

- 6.7 Turning to the range of potential impacts that would arise should the proposed power station be built (see Chapter 4 above), we conclude that the principle of the proposed transport strategy would be in general accord with Government policy (see paras 4.18 and 4.293 above) and that, with the junction improvements and other mitigation proposed, substantial impacts on the road network serving the site would be avoided (see para 4.31 above).
- 6.8 The proposed Cannington bypass would bring significant safety and environmental benefits to the settlement (see para 4.39 above) which we acknowledge would be adversely affected by construction traffic until such time as the bypass is completed. Notwithstanding this, we find no reason to delay construction of the proposed power station pending completion of the bypass (see para 4.47 above).
- 6.9 As to the various other concerns regarding the effects that traffic destined for the development would have in the construction phase (see paras 4.48 to 4.96 above), we accept that there would be some adverse effects. However, with the mitigation proposed, our view is that none of the matters raised should weigh heavily against the Secretary of State deciding to make the DCO.
- 6.10 As to the socio-economic effects, we conclude that, with the mitigation measures that would be secured through the s106 Agreements,² there is no reason for the Secretary of State to refuse to make the DCO on account of the concerns expressed regarding the impact that the proposal might have on the local labour market and businesses, tourism, housing or public services including education, health and the emergency services (see para 4.109 et seq above). In our view, the opportunities brought about by the proposal to retrain and up-skill the local workforce so that

¹ The Hinkley Point C site is one of those listed.

² The mitigation measures referred to are those contained in the s106 Agreement accompanying the preliminary works planning permission issued by the Council (PD025 & PD026) and the s106 Agreement recently entered into in connection with the DCO now sought (PD112).

advantage can be taken of the new jobs, would be of positive benefit to Bridgwater and the wider area.

- 6.11 To our minds there is no doubt that, having regard to the scale of the proposed power station, adverse landscape and visual impacts would result during construction (see para 4.174 et seq above). During operation, we consider that the impact of Hinkley Point C would be reduced and agree that the principles of 'good design' were followed in developing the proposals (see para 4.210 above). Whilst the proposed power station would be evident in the landscape and would alter views during operation, its visual effect when seen in the context of Hinkley Point A and B, would be similar (see para 4.197 above). Furthermore, the mitigation measures proposed, including returning large tracts of land around the power station to agriculture, woodland and other amenity uses, would assist in reducing its impact in the longer term (see para 4.198 et seq above).
- 6.12 No part of the site is designated for its landscape quality, and whilst the power station would be clearly visible from many points in the Quantock Hills, our conclusion is that it would not be overwhelmingly detrimental when seen from within the AONB (see para 4.190 above). Cumulative landscape and visual impacts would also not be significant (see para 4.180 above).
- 6.13 Within the host parish of Stogursey our view is that Hinkley Point C would have a significant effect on residents' lives, particularly in those areas closest to the site (see para 4.256 above). The impact for some would be real, albeit we consider not as great as many fear (see para 4.258 above).
- 6.14 Some residents of Comwich would similarly be adversely affected by the proposal to refurbish the wharf and use it to bring in both abnormal indivisible loads and other materials to be used to build the proposed power station. Notwithstanding this, a series of requirements would limit the impacts and would, in our opinion, avoid any significant harm to residents' living conditions (see para 4.259 et seq).
- 6.15 As to other matters, we find no reason to refuse consent for the proposal on air safety grounds (see para 4.334 above). We are also content that, with the mitigation proposed, biodiversity interests would be appropriately protected (see para 4.357 above). Bridgwater, we conclude, would undoubtedly change as a result of the proposed development and we accept that some of these changes would be negative. In the longer term, however, we consider that the new employment generated would be beneficial (see para 4.365 above).
- 6.16 Inevitably, as with many projects of the size proposed, a range of heritage assets would be affected. Harm would be limited, however, by agreed requirements and other measures and we see

no reason for the Secretary of State to refuse to make the DCO on account of the effect that the proposal would have on heritage assets (see para 4.401 et seq above). Similarly, we see no reason to refuse to make the DCO on account of the impact that the proposal would have on properties at risk of flooding or on safety grounds (see paras 4.249 et seq, 4.304 et seq and 4.422 et seq).

- 6.17 Whilst some representations suggested that several individual's human rights could be violated should the proposal go ahead, our opinion is that where any interference occurs, since the rights are 'qualified', the interference would be justified in the public interest (see para 4.409 et seq above).

Habitats Regulations Assessment

- 6.18 Habitats Regulations Assessment (HRA) is a matter for the Secretary of State to undertake as the decision maker and Competent Authority for the proposal. However, all parties agree that an Appropriate Assessment would be required. In our opinion the examination has provided sufficient information for this to be carried out (see para 5.161 above).
- 6.19 Notwithstanding this, HRA matters were considered by us during the course of the examination. In addition to the Applicant, we consulted extensively with the relevant statutory bodies and regulatory authorities. By the close of the examination a consensus was reached that, with the mitigation that could be secured by a series of requirements attached to any DCO that is made, significant effects on the integrity of all potentially affected European sites¹ (and Ramsar sites) would be avoided (see para 5.162 above).

Overall Conclusion on the Case for Development

- 6.20 NPS EN-1 (para 4.1.2) advises that, subject to the provisions of s104 of the Act,² the starting point for the determination of an application for an energy NSIP is a presumption in favour of granting development consent for it.
- 6.21 In reaching our conclusions on the case for the proposed development, we have had regard to the relevant NPSs, the local impact reports submitted by the Councils, and all other matters which we consider are both important and relevant to the Secretary of State's decision. We have further considered whether determining this application in accordance with the relevant NPSs would lead the UK to be in breach of any of its international obligations where relevant. We have also considered the legal duties imposed by the Human Rights Act 1998 and the Equality

¹ As defined in the Conservation of Habitats and Species Regulations 2010 (as amended).

² Including adverse impacts from the development not outweighing the benefits.

Act 2010. We have concluded that in all respects we have complied with these duties.

- 6.22 Bringing the above conclusions together, we note the Government's strong policy support for energy generating plants, including those fuelled by nuclear power. NPS EN-6 makes it clear that substantial weight should be given to proposals for any new nuclear power station that is capable of being completed earlier than the end of 2025. Hinkley Point C would be such a power station.
- 6.23 We have considered the impacts of the proposed development which are, as is inevitable from a proposed development of this scale, mixed. We have sought, in reaching our recommendation to the Secretary of State, to weigh the adverse impacts against the benefits.
- 6.24 On the one hand, the benefits would include the contribution of Hinkley Point C to meeting the need for energy infrastructure, the creation of new jobs, bringing with them training and educational opportunities for the local workforce, and the construction of the Cannington bypass, of benefit to many living in Cannington and travelling through the area.
- 6.25 On the other hand, we recognise the sheer scale of the proposed power station would have negative landscape and visual impacts during construction and would alter views during operation, which mitigation measures cannot completely overcome.
- 6.26 We have not overlooked the people that would be living close to the proposed power station. They are the ones that would, on a day to day level, experience the effects of the proposals, which would be greatest during the years of construction. With the benefit of the mitigation secured, we conclude that the impact for some would be real, albeit not as great as many fear.
- 6.27 As to the impacts on nature conservation sites designated at the European level a consensus was reached that, with the mitigation that could be secured by a series of requirements attached to any DCO that is made, adverse effects on the integrity of all potentially affected European sites (and Ramsar sites) would be avoided. Subject to the Secretary of State's AA concluding similarly, we accordingly see no reason for HRA matters to prevent the Secretary of State making the DCO.
- 6.28 Overall, for the reasons set out in this report, we conclude that the benefits of the proposal would outweigh the negative impacts and, in development terms¹, the case for granting development consent for the proposal is made.

¹ As opposed to considerations relating to the compulsory acquisition of land and rights.

7 THE REQUEST FOR COMPULSORY ACQUISITION POWERS

- 7.1 The application for the Development Consent Order (DCO) seeks compulsory acquisition powers and was accompanied by a Statement of Reasons (APP280), a Funding Statement (APP281), a Book of Reference (APP282), and Land Plans (APP006) showing the plots of land referred to in the Book of Reference.¹
- 7.2 The land in respect of which compulsory acquisition powers are sought is described in this Chapter as the CA Land. It includes the whole of the land included in the DCO, described in the application documents as comprising approximately 5,562,045m². A description of the site is included in Chapter 2 of this report.
- 7.3 The Hinkley Point C development site on which the nuclear generating station and related infrastructure would be located also includes intertidal and sub-tidal areas, so as to accommodate the proposed temporary jetty facility, seawall, permanent cooling water tunnels and a fish return tunnel.
- 7.4 In addition there are nineteen sites on which works of associated development would be required to facilitate the construction of the generating station. These include sites for park and ride facilities, freight management facilities, campus accommodation for construction workers, the refurbishment and extension of Comwich Wharf and the provision of a related freight laydown facility, and a bypass to the west of Cannington. These sites are referred to in this chapter as associated development sites. The remaining sites are required for highway improvement works and are referred to in this Chapter as highway improvements sites.
- 7.5 The Book of Reference identifies 260 plots and these are shown on the Land Plans. The compulsory acquisition power is sought:
- to remove existing easements servitudes and other private rights in relation to all plots
 - to acquire the freehold of 85 plots
 - to acquire new rights in 17 plots
 - to take temporary possession of 135 plots and
 - to take temporary possession and acquire new rights in a further 22 plots.
- 7.6 There are 27 plots in the DCO where the Crown has an interest. There are no powers in the Planning Act 2008 (the Act) to acquire Crown interests save by consent. Crown interests are identified in the Book of Reference but are excepted from the compulsory acquisition powers and the Applicant acknowledges that such

¹ During the course of the examination and in response to objections, the Applicant submitted a revised land plan to show the slightly reduced area required to carry out the works and ongoing maintenance to Comwich Wharf, and a corresponding amendment to the Book of Reference (PD129).

interests as it requires in Crown land must be acquired by agreement.

- 7.7 A number of other plots comprise land owned by parties, such as local authorities and statutory undertakers, which usually have some protection against the compulsory acquisition of their land or the acquisition of rights in that land by requiring that the land in question may be subject to special parliamentary procedure. In this case, however, the Applicant has confirmed to the Panel that it is a statutory undertaker for the purposes of s129(1)(e) of the Act. Accordingly, the protection referred to above does not apply.
- 7.8 The DCO seeks to incorporate the provisions of the Compulsory Purchase (General Vesting Declarations) Act 1981 with some modifications and also the provisions set out in s158 of the Act relating to the statutory authority and protection given to override easements and other rights. Section 120(5)(a) of the Act provides that a DCO may apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the DCO and s117(4) provides that, if the DCO includes such provisions, it must be in the form of a statutory instrument. Since in a number of instances the DCO seeks to apply s120(5)(a), the DCO is in the form of a statutory instrument.

What the Planning Act 2008 Requires

- 7.9 Compulsory acquisition powers can only be granted if the conditions set out in s122 and s123 of the Act are complied with. Section 122(2) requires that the land must be required for the development to which the DCO relates or is required to facilitate or is incidental to the development. In respect of land required for the development, the land to be taken must be no more than is reasonably required and must be proportionate.
- 7.10 Section 122(3) requires that there must be a compelling case in the public interest which means that the public benefits must outweigh the private loss which would be suffered by those whose land is affected. In balancing public interest against private loss, compulsory acquisition must be justified in its own right. But this does not mean that the compulsory acquisition proposals can be considered in isolation from the wider consideration of the merits of the project; there will be some overlap. There must be a need for the project to be carried out and there must be consistency and coherency in the decision-making process.
- 7.11 Section 123 requires that one of three conditions is met by the proposal. We are satisfied that the condition in s123(2) is met because the application for the DCO included a request for compulsory acquisition of the land to be authorised.

- 7.12 A number of general considerations also have to be addressed either as a result of following applicable guidance¹ or in accordance with legal duties on the decision maker:
- All reasonable alternatives to compulsory acquisition must be explored.
 - The Applicant must have a clear idea of how it intends to use the land and demonstrate funds are available.
 - The decision-maker must be satisfied that the purposes stated for the acquisition are legitimate and sufficiently justify the inevitable interference with the human rights of those affected.

Our Approach

- 7.13 With the whole of the application site being the subject of a request for compulsory acquisition powers, we raised with the Applicant in Appendix D of our initial Rule 8 letter (PDEC005), questions concerning drafting issues and a number of specific questions concerning, in particular, the legal status of the Applicant in the context of the Act. We also raised concerns regarding the request for compulsory acquisition powers where only a temporary interest in land was sought (albeit for a number of years), the funding arrangements and the relevant provisions of the Shareholders Agreement referred to in the Funding Statement.
- 7.14 The Applicant responded to our questions (REP007) and, having advised the Applicant of our intention to do so, we gave further consideration to the funding issue (and in particular the giving of a parent company guarantee) at a compulsory acquisition hearing.
- 7.15 A compulsory acquisition hearing was held at the Bridgwater and Albion Rugby Football Club on 29th August 2012. Objections were originally made to the proposed grant of compulsory acquisition powers by the Environment Agency (EA); Sedgemoor District Council (SDC); Innovia Cellophane Limited and Innovia Fuels Limited (Innovia); Matalan Retail Limited; Mr Stuart Hill, representing himself and other boaters who had moorings on the Pill; and Mr DWC Johnson, who represented himself and the Comwich Motorboat and Sailing Club.
- 7.16 Prior to the hearing the objection by Innovia had been withdrawn by letter (COR29) and at the hearing neither Matalan nor SDC attended to pursue their objections. The objectors' cases are considered below together with a number of other issues of concern to the Panel and included on the Agenda.
- 7.17 On 14 September 2012 the Applicant submitted to the Panel a signed parent company guarantee supported by a unilateral undertaking (PD116). On 18 September the Applicant submitted to

¹ Guidance related to procedures for compulsory acquisition: DCLG February 2010.

the Panel revised documentation which showed a reduced land take requirement at the Pill, an inlet off the River Parrett adjacent to Combwich (PD129).

The Applicant's Case

- 7.18 The Applicant's case for the grant of powers is set out in the Statement of Reasons (APP280) together with the Funding Statement (APP281). More detailed information is set out in the Alternative Sites Assessment (APP295, Appendix A3), the Environmental Statement (APP078 - APP276) and the Planning Statement (APP295), all of which formed part of the application. Additionally, further information was provided by the Applicant in response to the Panel's questions, Rule 17¹ requests and at the compulsory acquisition hearing.

Requirement for the compulsory acquisition of land

- 7.19 At the time of the application, part of the Hinkley Point C development site was in the ownership of the Applicant but subject to third-party rights and interests. Outstanding interests included the EA, the Crown, and local authorities. The associated development sites were largely still in third party ownership; as too were the highway improvements sites though the majority of the land in the highway improvements sites comprises public highways.
- 7.20 At the CA hearing the Applicant advised that much of the CA Land was either then in the ownership of the Applicant or contracted to be acquired. Subsequently, the Applicant submitted a schedule (PD127) setting out the ownership position at that time in relation to all plots subject to compulsory acquisition.

Need for power to override rights and easements

- 7.21 Notwithstanding the Applicant's progress in acquiring CA Land as outlined above, all plots in the Book of Reference remain in the DCO since the compulsory acquisition power is still required in order to ensure that any overriding easements or other private rights are subject to the power of compulsory acquisition.

The purpose in seeking to acquire the CA Land

- 7.22 Section 122(2) provides that a DCO may include provisions authorising compulsory acquisition of land if the land is:
- required for the development to which the development consent relates
 - required to facilitate or is incidental to the development.

¹ Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010.

- 7.23 The CA Land is required for the purpose of the project which comprises the construction of a new nuclear power station with a capacity of 3,260 MW at Hinkley Point C and associated development.
- 7.24 There is support in the National Policy Statements (NPSs) for the development of Hinkley Point C. This is considered in Chapter 4 of this report.
- 7.25 Chapter 5 of the Statement of Reasons (APP280) provides an overview of the principles and assumptions that underpin the development proposals and the selection of the CA Land within the context of NPS EN-1 and NPS EN-6. More comprehensive information is set out in the Alternative Site Assessment (APP295, Appendix A3), ES (APP093) and Planning Statement (APP295).
- 7.26 Further, transport and freight management strategies, needed to implement the development, required a series of associated developments on 19 sites in the vicinity of the new nuclear power station.
- 7.27 The Applicant sets out in Section 5.3 of the Statement of Reasons (APP280) clear proposals for its use of the CA Land: each part of the CA Land is either required for the development to which the proposed development consent would relate or is incidental to that development and the land to be acquired is no more than is reasonably required for the purposes of the development.

Alternatives to compulsory acquisition

- 7.28 Guidance¹ requires that in relation to the compulsory acquisition of land it is appropriate to consider whether an alternative exists which does not require the use of powers of compulsory acquisition. The Applicant sets out in Chapter 5 of the Statement of Reasons (APP280), and in particular at paragraph 5.2.23 onwards, the process of site selection for the associated development sites. This is considered in more detail in the Alternative Site Assessment (APP295, Appendix A3).
- 7.29 So far as the actual nuclear power station site is concerned, the Applicant does not consider that there is any requirement to undertake an alternative site assessment. This is because the Government has listed Hinkley Point as one of eight sites considered particularly suitable for new nuclear development following a Strategic Siting Assessment detailed in Chapter 4 of the Statement of Reasons. NPS EN-6 states that as a result of the Strategic Siting Assessment and Alternative Sites Study the Government does not believe that there are any sites in England and Wales other than the 8 selected that are suitable for the development of new nuclear power stations in the time specified.

¹ Guidance related to procedures for compulsory acquisition: DCLG February 2010.

- 7.30 The suitability of the associated development sites (except the accommodation campus on the Hinkley Point C development site) and the highway improvements sites has been tested by the Applicant through the alternative site assessment process alongside and by comparison with other potential sites. Through a filtering process and having regard to consultation feedback, the Applicant is satisfied that all feasible alternatives have been thoroughly considered and no alternative sites ought to be preferred.
- 7.31 In relation to the highway improvements sites, the works by their very nature must be carried out on the highway network where they are considered necessary for highway safety and/or highway capacity reasons, and therefore there is no requirement to assess alternatives in relation to these works.

Sites to be acquired for temporary periods

- 7.32 The Applicant acknowledges that all of the associated development sites with the exception of the Cannington bypass and the Combwich Wharf refurbishment would only be required for temporary periods up to 10 years in duration.
- 7.33 We raised with the Applicant whether in such circumstances where acquisition would be for a temporary period only, albeit for a number of years, a compelling case could be made, and whether a leasehold interest might be more appropriate. The Applicant responded that the Act did not legally allow the acquisition of a lesser interest than freehold and that the nature and duration of the use of the land concerned, when acquired, would be more akin to the characteristics of freehold ownership (as opposed to rights of temporary possession as contemplated by Article 28 of The Infrastructure Planning (Model Provisions)(England and Wales) Order 2009). Accordingly the acquisition of the freehold was the appropriate option.

Availability of funds for compensation

- 7.34 Accompanying the Statement of Reasons was a Funding Statement (APP281) in which the Applicant stated that it is a wholly owned subsidiary of NNB Holding Company Limited which is a joint venture company with 80% owned by EDF Holdings Limited and 20% owned by GB Gas Holdings Ltd (Centrica). There is a Shareholders Agreement which governs the basis on which the Applicant will be financed.
- 7.35 The Applicant has taken expert advice on the likely cost of implementing the proposed development, including the cost of construction and the funding of the necessary land acquisition. The Applicant has assessed the commercial viability of the proposed development in the light of this information and, if development consent is granted, the development of Hinkley Point C would be

funded by a cash call process governed by the Shareholders Agreement. It concludes that the availability of funding would not be an impediment to the implementation of development or to the acquisition of land deemed necessary.

- 7.36 We requested details of the terms of the Shareholders Agreement (PDEC12) and subsequently its termination provisions (PDEC24). We inquired of the Applicant (PDEC24) whether a parent company guarantee could be provided and, following the Applicant's disinclination to do so, the matter was discussed at the compulsory acquisition hearing. As a consequence of the discussions at the hearing the Applicant offered (subject to Board approval) to provide a parent company guarantee up to a limit of £10million. This was subsequently provided (PD115).

A compelling case

- 7.37 The Applicant states that the Hinkley Point C development cannot be carried out without the use of compulsory acquisition powers to acquire the land and rights set out in paragraph 7.5 above.

- 7.38 The Applicant argues:

- (I) That the public benefits associated with the development of the new nuclear power station at Hinkley Point C are clear, substantial and compelling:
- NPS EN-1 and NPS EN-6 make it clear that there is an urgent need for additional generating capacity in the UK and specifically new nuclear generating capacity.
 - Without significant amounts of new large-scale energy infrastructure the objectives of the Government's energy and climate change policy cannot be met.
 - To secure energy supplies to meet the UK's 2050 emissions targets there is an urgent need for new energy infrastructure.
 - New nuclear generating capacity is a key element in moving towards a decarbonised electricity sector.
 - New nuclear power stations are needed as soon as possible to contribute towards the need for low carbon forms of electricity for security and diversity of supply.
 - Hinkley Point C would have two nuclear reactors which could provide approximately 6% of the UK's electricity.
- (II) That in addition to a major contribution to UK energy objectives as set out in the NPS, the development would also deliver substantial economic and other benefits, while limiting, so far as practicable, the associated environmental and other impacts, including land take and loss of property.

- (III) That for the reasons summarised in sections 4 and 5 of the Statement of Reasons (and set out in detail in the Planning Statement) granting development consent would be in accordance with both NPS EN-1 and NPS EN-6. Having regard to the test set out in s104(3) of the Act, the making of the Order would be in accordance with the relevant NPSs, the benefits associated with a development would decisively outweigh any adverse impacts and subsections (4) to (8) of s104 would not apply in this case.
- (IV) That the public benefits deriving from the development and its early implementation demonstrably and overwhelmingly outweigh the private loss that would be suffered by those whose land is to be acquired.

7.39 Accordingly the condition set out in s122(3) of the Act is met.

Special considerations

Crown land

7.40 Whilst the Applicant has listed Crown interests in the Book of Reference they are excepted from acquisition and the Applicant will seek to acquire the interests it requires by agreement.

Statutory undertakers land

7.41 Statutory undertakers have interests in some of the CA Land but none have objected to the compulsory acquisition powers being sought by the Applicant. There are Protective Provisions in the DCO relating to statutory undertakers' land.

Local authority land

7.42 Local authorities have interests in some of the CA Land (primarily where land is public highway and improvements are to be carried out). None have objected to the compulsory acquisition of their land (whilst SDC did object to the abrogation of the benefit of a restrictive covenant which it enjoys, the objection was subsequently withdrawn).

Human Rights

7.43 The Applicant acknowledges that three articles of the European Convention on Human Rights incorporated into English law by the Human Rights Act 1998 are engaged where compulsory acquisition powers are sought (Article 1 of the First Protocol, Article 6 and Article 8).

7.44 The Applicant states that it has carefully considered the balance to be struck between individual rights and the wider interest. To the extent that the DCO would affect individuals' rights the Applicant argues that, for the reasons stated in paragraph 6 of the

Statement of Reasons (APP280), the proposed interference with those rights would be in accordance with the law, be proportionate and be justified in the public interest.

- 7.45 The Applicant points out that not only would appropriate compensation be available to those entitled to claim it under the National Compensation Code but they have also had an opportunity to object to the grant of the compulsory acquisition powers and to have their objections heard at a fair and public hearing.
- 7.46 Consultations have taken place and there have been opportunities to make representations in relation to the preparation of the DCO. In accordance with Part 5 of the Act, the Applicant has consulted persons set out in s44 of the Act, including persons with an interest in the CA Land and those who may be able to make claims under s10 of the Compulsory Purchase Act 1965 and s1 of the Land Compensation Act 1973. All known owners and occupiers have been contacted regarding the proposals.
- 7.47 The Applicant concludes that in these circumstances the proposed acquisition would not involve any violation of any individual rights under the Convention.

Conclusion

- 7.48 The Applicant concludes that the inclusion of powers of compulsory acquisition in the DCO for the purposes of the proposed development meets the conditions set out in s122 of the Act and Guidance.
- 7.49 Further for the reasons set out in the Statement of Reasons and relevant supporting documents:
- The order land is either required for the development to which the development consent sought relates, or is incidental to or required to facilitate the proposed development.
 - The order land is no more than is reasonably required for these purposes.
 - There is a compelling case in the public interest for the land to be acquired compulsorily.
 - The substantial benefits to be derived from the proposed compulsory acquisition would decisively outweigh the private loss that would be suffered by those whose land is taken.

The Objectors' Cases

Innovia

- 7.50 The objection lodged on behalf of Innovia was withdrawn by letter (COR29).

The Environment Agency (EA)

- 7.51 The EA objected to the compulsory acquisition of their land in their written representation of 3 May 2012 but acknowledged that there were ongoing discussions with the Applicant with a view to accommodating their objection (WREP45).
- 7.52 The Applicant following discussions with the EA had concluded an agreed approach to the compulsory acquisition of the EA's land. This is reflected in Article 18 1A and Schedule 9 of the DCO. Effectively these provisions provide that the compulsory acquisition power in relation to plots in which the EA hold an interest or have the benefit of rights will not apply to any interests or rights held in those plots by the EA; however this would not preclude the acquisition of any such interests or rights by agreement.
- 7.53 In these circumstances the EA have withdrawn their objection to the grant of compulsory acquisition powers (PD125).

Matalan Retail Limited (Matalan)

- 7.54 In its written representation (RREP589) Matalan objected to the compulsory acquisition of its leasehold interest in plot WR10. Matalan objected on a number of grounds including:
- It was concerned that during construction there would be a serious adverse effect on access resulting in a detrimental impact on the profitability of the business.
 - The carrying out of the development would result in an adverse impact and deter customers.
 - The development would lead to increased traffic which because of the resultant congestion would reduce trade.
- 7.55 Matalan did not appear at the compulsory acquisition hearing.
- 7.56 We considered its objection and the works which the Applicant was proposing to carry out on the Matalan land. We concluded that the works would be necessary as part of the carrying out of the development and that the public benefit would outweigh the private loss suffered by Matalan and that there was a compelling case in the public interest for the acquisition of its land.

Sedgemoor District Council

- 7.57 The Council is the beneficiary of a restrictive covenant the effect of which is set out at paragraph 8.59 below. The Council did not consider that there was a compelling case such as would warrant the overriding of the benefit of the covenant. They consequently objected to the inclusion of Article 33A of the application draft DCO the effect of which would be to abrogate the benefit of the covenant. The Council did not appear at the compulsory acquisition hearing.

- 7.58 Following discussions with the Council the Applicant agreed revised wording to article 33A of the DCO. The agreed wording is set out in Appendix 1 of the Applicant's Response to the Panel (PD128). The revised wording effectively provides that the restrictive covenant would not be abrogated but would be suspended on the terms and for the period set out in the article and on that basis the Council would not be seeking compensation for the lifting of the restriction.

Mr Stuart Hill

- 7.59 Mr Hill in his relevant representation (RREP913) set out his reasons for objecting to the grant of compulsory acquisition powers. At the hearing he expanded on his objections and made particular reference to the proposed compulsory acquisition of powers in relation to the Pill.¹ Mr Hill maintained that he and other boat owners who moored their boats on the Pill had through long usage acquired legal rights to do so, either by prescription or easement. These rights had never been challenged and he considered their position was supported by the case of Attorney General v Wright 1897 (2QB 318).

Mr D C W Johnson

- 7.60 Mr Johnson submitted a written representation (RREP 1085) setting out his objections to the compulsory acquisition powers sought by the Applicant. He appeared at the compulsory acquisition hearing representing himself and the Comwich Motorboat and Sailing Club. Mr Johnson stated that he had used his mooring for at least twenty years. It was his view that an easement had been created; he had enjoyed continuous use of the mooring as of right and without the permission of the landowner. He objected strongly to the proposed grant of compulsory powers which would interfere with that right.

The Applicant's Response to the Outstanding Objections

Mr Stuart Hill and Mr DWC Johnson

- 7.61 The Applicant responded jointly to both Mr Hill and Mr Johnson's claims to mooring rights in its response to our questions (PD127). It stated that it did not accept that there existed any prescriptive rights to moor boats on the Pill. It argued that a right to moor a boat on the mud banks of the Pill could only exist, if it exists at all, as an easement. It elaborated that easements could be acquired in a number of ways one of which was long usage. There was a lack of evidence that the necessary elements to establish such a right existed.

¹ The Pill is a tidal inlet adjoining Comwich, connected to the River Parrett.

- 7.62 The Applicant expanded its views further at the compulsory acquisition hearing. It said that it was necessary to distinguish between a right to moor and a right to navigate and that it was not persuaded a right to moor existed. If an easement was claimed there existed no dominant tenement as required – an objector’s house would not qualify as the dominant tenement because it was argued the mooring was not really necessary for the enjoyment of the dwelling house.
- 7.63 As to the argument that a right had been acquired by custom, the Applicant pointed out that the bed of the Pill was owned by the Crown and 60 years adverse possession was required to succeed in such a claim.
- 7.64 In relation to rights of navigation, the Applicant pointed out that these were public rights and not private rights.
- 7.65 The Applicant subsequently submitted, in its Responses to Issues Raised at the Compulsory Acquisition hearing (PD128), a note on the case of Attorney General v Wright referred to by Mr Hill at the compulsory acquisition hearing in support of his case. The note concluded that the right to have permanent moorings may arise by custom or by statute. The Crown however was not bound by custom and no statutory basis had been claimed by Mr Hill: the case of Attorney General v Wright does not alter these facts.

Our Conclusions

- 7.66 Our approach to the consideration of the granting of compulsory acquisition powers has been to address the requirements of sections 122 and 123 of the Act, the Guidance, the Regulations¹ and the Human Rights Act 1998 and to consider in the light of representations received and evidence submitted whether a compelling case in the public interest has been made, balancing public interest against private loss.
- 7.67 We are, however, mindful that the DCO considers both the development and compulsory acquisition powers, and that the case for the grant of compulsory acquisition powers cannot properly be considered until the position regarding the development has been considered and determined. There must be consistency and coherence and accordingly we have adopted a two stage approach. We have first formed a view on the case for development and then in this Chapter have proceeded on the basis of that conclusion.
- 7.68 Chapter 6 reaches the conclusion that consent should be granted for the proposed development. That being so, all the issues which arose in considering the case for development have also been

¹ The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010.

considered in the case for the grant of compulsory acquisition powers. What we do in this Chapter is to consider whether the justification for the grant of the development consent forms a justifiable basis for the grant of the compulsory acquisition powers sought.

- 7.69 The effect of s122(1) and s122(2) of the Act is to provide that the land to be subject to compulsory acquisition must be required for the development to which the development consent relates; effectively that the land needs to be acquired, or rights over it acquired or impediments upon it removed, in order that the development can be carried out.
- 7.70 To reach our judgment on this requirement we have examined the case which has been made for the grant of compulsory acquisition powers in respect of all the plots in the Book of Reference and the justification for their inclusion as set out in the Statement of Reasons, in particular at paragraphs 5.3.1 to 5.3.40 for the power station site, the associated development sites and the highway improvements sites respectively. The Statement of Reasons generally, and the above section in particular, seek to demonstrate that the Applicant has clear proposals for how it intends to use the Order land: each part of the Order land is either required for the development to which the DCO relates or is incidental to that development.
- 7.71 We are satisfied that in the event of the grant of development consent for Hinkley Point C there would be a need to acquire the rights and interests in the CA Land and the powers sought in the DCO would be required to implement the development.
- 7.72 With regard to s122(3), in considering whether there is a compelling case in the national interest there are a number of issues to be considered in balancing the public interest against the private loss which would occur.
- 7.73 In relation to the overall planning case this is considered in detail elsewhere in this Report. We refer to it here in the context of the consideration of the grant of compulsory acquisition powers.
- 7.74 NPS EN-6 and NPS EN-1 state clearly that there is an urgent need for additional generating capacity in the UK and specifically for new nuclear generating capacity. Hinkley Point C would have two nuclear reactors and be capable of generating a total of up to 3,260 MW of electricity thereby making a major contribution to meet the urgent need identified. In our opinion the public benefits associated with the development of Hinkley Point C would be clear, substantial and compelling. Making the DCO would be in accordance with both NPS EN-6 and NPS EN-1 for the reasons set out in the Planning Statement and summarised in sections 4 and 5 of the Statement of Reasons.

- 7.75 Further, the project would deliver substantial economic and other benefits albeit that there would be associated environmental and other impacts including land take and loss of property.
- 7.76 Overall the public benefits associated with the project together with the early implementation would, in our view, outweigh the private loss that would be suffered by those whose land is to be acquired to enable the project to occur.

Alternatives

- 7.77 To determine whether or not alternatives to the proposed land take exist we have considered this on the basis of the approach adopted by the Applicant and referred to at paragraph 7.28 et seq above. Each of the three elements of the development, the main power station site, the associated development sites and the highway improvements sites have been considered in turn.
- 7.78 With regard to the main power station site, we accept that because Hinkley Point C has been listed by the Government as one of eight sites considered particularly suitable for new nuclear development there is no requirement to carry out an alternative site assessment.
- 7.79 So far as the associated development sites are concerned there are potential alternative sites. The Applicant has, however, tested the sites through an Alternative Site Assessment process (APP295, Appendix A3) which considered the appropriateness and suitability of the chosen sites alongside and by comparison with other potential sites. We are satisfied that the Applicant has thoroughly and reasonably considered all feasible alternatives and that there are no alternatives which ought to be preferred.
- 7.80 The highway improvements sites are by their nature site specific and determined by highway safety and/or highway capacity reasons, and we accept that there is no requirement to assess alternative sites in relation to these works.

Funding

- 7.81 We are required to make a judgment as to whether adequate funding would be available to meet compulsory acquisition compensation in the event of compulsory acquisition powers being granted. In doing so we have had regard to the powers of the Act, Guidance and the Human Rights Act 1998. Having read the Applicant's Funding Statement (APP281) we considered the position was inadequate in terms of ensuring that the necessary resources would be available to the Applicant.
- 7.82 Exchanges with the Applicant on this matter (see para 7.36 above) considered in particular the fact that the Applicant is a joint venture company funded by its shareholders through a Shareholders Agreement, and the Shareholders Agreement

included default provisions which could be triggered if certain circumstances arose. We were concerned as to the adequacy in terms of security of compulsory acquisition funding in the event, however remote, of the dissolution of the Applicant company after the compulsory acquisition powers had been exercised.

- 7.83 At the compulsory acquisition hearing we discussed this with the Applicant. The Applicant pointed out that Guidance stated that an applicant should be able to demonstrate that there is a reasonable prospect of the funds becoming available. Nevertheless the Applicant offered to review the position.
- 7.84 The Applicant having given further consideration to the question of funding for compulsory acquisition compensation offered to provide, subject to Board approval, a parent company guarantee secured by a unilateral undertaking in favour of the local planning authority.
- 7.85 The parent company guarantee in the sum of £10million was provided by the Applicant (see para 7.17 above) and, on the basis of such funding security being in place, we consider the Funding Statement and subsequent proposed documentation as set out above adequate to support a compelling case for the grant of compulsory acquisition powers.

Human rights

- 7.86 A key consideration in formulating a compelling case is a consideration of the interference with human rights which would occur if compulsory acquisition powers are granted. The Applicant acknowledges that the DCO engages a number of the articles of the Human Rights Act. It would affect Article 1 of the First Protocol (rights of those whose property is to be compulsorily acquired and whose peaceful enjoyment of their property is to be interfered with).
- 7.87 Article 6 entitles those affected by compulsory acquisition powers sought for the project to a fair and public hearing of their objections. The Applicant states that all owners and occupiers of land affected by the proposals have been contacted and that representations could be made in response to notice under s56 of the Act or at any compulsory acquisition hearing held by us.
- 7.88 The Applicant does not consider that Article 8 is engaged since no residential land and buildings would be included in the Order. The Applicant sets out in paragraph 6.6 of the Statement of Reasons (APP280) the considerations which arise and state that it has carefully considered the balance to be struck between individual rights and the wider public interest.
- 7.89 We, having regard to the relevant provisions of the Human Rights Act, considered the individual rights interfered with and are satisfied that in relation to Article 1 of the First Protocol that the

proposed interference with the individual's rights would be lawful, necessary, proportionate and justified in the public interest.

- 7.90 In relation to Article 6 we are satisfied that all objections which have been made have either been resolved by the Applicant in agreement with the objector or the objectors have had the opportunity to present their cases to us at the compulsory acquisition hearing.
- 7.91 Article 8 is not engaged because no residential land or buildings are included in the CA Land.

The Panel's conclusions on issues raised by objectors

Mr Stuart Hill and Mr DWC Johnson

- 7.92 Both objectors were concerned at the potential loss of mooring rights at the Pill,¹ enjoyed by themselves and other boaters, in the event that the compulsory acquisition powers were granted. In these circumstances it is necessary to consider whether the public benefits would outweigh the private losses that would occur.
- 7.93 At the compulsory acquisition hearing we explored with the Applicant the proposed compulsory acquisition of interests other than those of the Crown in the Pill, and how such acquisition could be justified. We acknowledged the need for rights over the Pill to be acquired in connection with works to be carried out to the wharf and the ongoing maintenance of the same, but since it was established that no barge would enter the Pill and that safety in the area during barge movements would be controlled by the harbourmaster, we queried whether there was a case for acquisition of rights over the whole width of the Pill.
- 7.94 The Applicant undertook to review the position. Following its review the Applicant advised us that, whilst it needed rights over the Pill to carry out the works and ongoing maintenance to the wharf, it considered on reflection that these rights could be restricted to a strip adjacent to the southern bank of the Pill. Accordingly, it submitted a revised land plan to show the revised area required and an amendment to the Book of Reference (PD129).
- 7.95 We are of the view that, if the DCO is made, the revised rights sought over the reduced area of the Pill would be required in order to implement the project.
- 7.96 With regard to the rights claimed by Mr Hill and Mr Johnson on behalf of themselves and others, we noted the Applicant's position that it did not, for the reasons stated in its evidence (REP086), accept that any such rights existed or indeed could exist.

¹ The Pill is a tidal inlet adjoining Comwich, connected to the River Parrett.

- 7.97 Subject to any agreement the Applicant might reach with the Crown as owner of the bed of the Pill, the reduced land take for the exercise of rights would lessen the potential for interference with the alleged mooring rights.
- 7.98 That being said there is clearly a difference of view between the Applicant and the objectors as to whether in law such rights exist at all. This is not a matter that we are qualified to determine or consider; our role is solely to consider whether there is justification for interfering with such rights as may exist by the grant of compulsory acquisition powers to the Applicant. We acknowledge that if private rights exist, they would be interfered with and a loss would be suffered by those affected.
- 7.99 However, we are of the view that the public benefit arising from the implementation of the project would outweigh the private loss which would be suffered if such rights in favour of the objectors do in fact exist in law.

Other outstanding matters

Permanent/temporary powers

- 7.100 Prior to the compulsory acquisition hearing we raised with the Applicant the fact that, in respect of six of the associated development sites, the Applicant was proposing to acquire a freehold interest even though it acknowledged that it only required the land for a temporary period (albeit a number of years) until the generating station was completed and a limited period thereafter (PDEC12) (see paras 7.32 and 7.33 above).
- 7.101 We were concerned as to whether a compelling case for the acquisition of a freehold interest could be made in circumstances where a temporary interest, which would determine after a number of years, was all that was required. We wondered, for instance, whether in such circumstances a leasehold interest might be more appropriate.
- 7.102 The Applicant considered that it had adopted the correct approach in the circumstances for a number of reasons:
- It was not possible in law to acquire a leasehold interest using compulsory acquisition powers.
 - The intended use of the land in question for such a prolonged period was such that powers of temporary possession would not be appropriate.
 - The extensive works to be carried out on the land were more appropriate to the permanent ownership of land (REP13).
- 7.103 We are of the view that, had an owner offered to meet the Applicant's requirement for an interest in its land by offering the grant of a leasehold interest instead of the freehold being acquired, there was no reason why such an approach should not

be adopted. However, the nature of a leasehold interest is such that it could only be proffered by an owner; there was no evidence before us that this had occurred. In the circumstances we are satisfied that the Applicant's approach is the correct one, and that a compelling case for the acquisition of a freehold interest has been made.

The Panel's Recommendation on the Request for Compulsory Acquisition Powers

- 7.104 With regard to s122(2) of the Planning Act 2008 we are satisfied that the legal interests in all plots described and set out in the Book of Reference and on the Land Plans (as amended) would be required in order to implement the development.
- 7.105 With regard to s122(3) we are satisfied in relation to the application that:
- Development consent for the development should be granted.
 - The NPSs are to be considered the pre-eminent policy.
 - The NPSs require that the 'need' case is to be considered as already proven.
 - There are no sites which are alternatives to the Hinkley Point C site, the associated development sites and the highway improvements sites.
 - The funding is adequate and secure so far as may be achieved under the Planning Act 2008.
 - The interference with human rights would be lawful, in the public interest and proportionate.
- 7.106 In these circumstances we consider there is a compelling case in the public interest for the grant of the compulsory acquisition powers sought by the Applicant in respect of the CA Land as shown on the Land Plans (as amended in relation to land take at the Pill).
- 7.107 Lastly, with regard to the incorporation of other statutory powers pursuant to s120(5)(a), we are satisfied that as required by s117(4) the DCO has been drafted in the form of a statutory instrument and further that no provision of the DCO contravenes the provisions of s126 which precludes the modification of compensation provisions.

8 THE PROPOSED DEVELOPMENT CONSENT ORDER AND S106 AGREEMENT

The Draft DCO

- 8.1 A draft DCO (APP277) and Explanatory Memorandum (APP279) were submitted with NNB Generation Co's application for development consent. The Explanatory Memorandum describes the purpose of the application draft DCO, and of each of its articles and schedules.
- 8.2 The draft DCO is in two parts. Part 1 would authorise the proposed power station and associated development, except for the proposed temporary jetty, which is covered by Part 2. When the application for the DCO was made, the Applicant was already seeking consent for the temporary jetty via applications for a Harbour Empowerment Order (HEO) and a Transport and Works Act Order (TWAO). Its intention at that time was to withdraw the application for Part 2 of the DCO, if and when its applications for the HEO and TWAO were granted and safe from legal challenge.
- 8.3 The application draft DCO was based (with some differences) on the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009. The articles in Part 1 of the draft DCO were given the same numbers as the corresponding articles in the General Model Provisions. Some of the articles in the General Model Provisions were not used, with the result that there are some gaps in the numbering of substantive articles in the draft DCO.
- 8.4 Furthermore, in some instances, articles which did not feature in the General Model Provisions were inserted into the draft DCO. These were identified by adding a letter to the number of the preceding article (eg Article 2A, Articles 33A and 33B).
- 8.5 We consider that it would improve the legibility of the DCO if its articles were renumbered sequentially. However, in our view this task should not be undertaken until the Secretary of State has decided whether any of the articles currently proposed are to be deleted; and whether any additional articles are to be inserted. To avoid possible confusion, we have adhered to the original numbering system throughout this report. Nevertheless, the Applicant has submitted a sequentially numbered version of its final draft DCO (PD110, Appendix 3). The DCO s106 Agreement (PD112) refers to DCO articles as renumbered sequentially by the Applicant. If the Secretary of State should adopt a sequential numbering system that differs from that proposed by the Applicant, any discrepancies between the DCO and the s106 Agreement would need to be resolved.
- 8.6 During the course of the examination, a number of alterations to the application draft DCO were suggested by the Applicant and by

other interested parties. At the end of the examination, the Applicant submitted its final draft DCO, which contains the provisions for which it now seeks approval (PD110, Appendix 2). Some of the Applicant's proposed alterations have been made for purposes of clarification, for the correction of minor errors, or to reflect changes proposed elsewhere in the draft DCO. We do not deal with these in detail in this report, but consider that if development consent is to be granted, they should be incorporated in the DCO as made.

- 8.7 Much of the draft DCO is not the subject of objection or proposed amendment. We deal below with those articles and schedules which are contentious, or are the subject of proposals for substantial alteration. Our recommended changes to the Applicant's final draft DCO are highlighted in Appendix D.

Articles 1 and 44 - Interpretation

- 8.8 Article 1 of the application draft DCO defines various terms used in Part 1 of the draft Order. Article 44 does likewise for Part 2. The definitions are self explanatory. In Article 1, the definition of 'appeal documentation' refers to the 'discharging body'. Elsewhere in the DCO the term 'discharging authority' is used. We consider that that term should be used in this definition, for the sake of consistency. We also consider that the definition of 'owner' should come immediately after that of 'order limits' so as to maintain alphabetical order. Otherwise, we consider that Articles 1 and 44 should be as shown in the Applicant's final draft DCO, subject to the further amendments proposed below.
- 8.9 The Fairfield Estate and the Environment Agency have each expressed concern that Work No TJ0 (temporary jetty demolition) is excluded from the definition of 'authorised project' in Article 1. However, this is not the case. Work No TJ0 is excluded from the definition of 'temporary jetty works', but is included in the definition of 'authorised development', by virtue of the fact that this embraces 'other development authorised by this Order' with the exception of the temporary jetty works. The definition of 'authorised project' includes 'the authorised development' and therefore includes Work No TJ0.

Proposed changes to Part 1 of the draft DCO

Article 2A – Effect on the site preparation permission

The site preparation permission

- 8.10 Prior to submitting the application for development consent, NNB Generation Co Ltd had applied to West Somerset District Council for planning permission to undertake preliminary site works that would be required in preparation for the development of the proposed Hinkley Point C power station. These works would include site clearance; earthworks (including the provision of earth

retaining structures and deep excavations); the provision of drainage infrastructure; concrete batching; and other site establishment works.

- 8.11 Full planning permission was granted on 27 January 2012 (PD001), and is referred to in this report as the 'site preparation permission'. It is subject to numerous planning conditions; and is also subject to an agreement made under s106 of the Town and Country Planning Act 1990, referred to in this report as the 'site preparation s106 Agreement' (PD025 & PD026).

Planning conditions

- 8.12 Condition G4 of the site preparation permission sets out a phasing programme for the authorised development. Phases 0 and 1 would include preliminary works, such as the removal of existing barns; the clearance of vegetation; the erection of fencing; and archaeological excavations. Phase 2 would include the main earthworks. Phase 3 would embrace post-completion works, including the ongoing management and maintenance of the site. Phase 4 would cover the site's potential reinstatement and landscaping.
- 8.13 Conditions R1 to R6 (referred to as the 'reinstatement conditions') relate to the restoration of the site following the authorised site preparation works, if the proposed development of the nuclear power station fails to proceed to completion. Condition R1 would apply if development consent were not granted; if development consent were granted but not implemented within the period specified in the DCO; if development consent were granted but construction of the power station could not lawfully be continued or completed; or if neither of the proposed nuclear reactors had been substantially completed, so as to be producing electricity by 31 December 2025.
- 8.14 In any of these circumstances, Condition R1 would provide for the reinstatement of the site, as soon as reasonably practicable. This would be carried out in accordance with a Detailed Landscape Mitigation and Reinstatement Strategy, to be submitted to and approved by the local planning authority. Condition R2 prescribes the matters to be covered by the Detailed Landscape Mitigation and Reinstatement Strategy. Conditions R3 to R6 would control the environmental impact of the reinstatement works.

The site preparation s106 agreement

- 8.15 The parties to the site preparation s106 agreement include the Applicant, the joint Councils and Lady Gass (the owner of the Fairfield Estate¹). The agreement contains various provisions

¹ The Fairfield Estate covers some 2,500ha immediately to the west of the Hinkley Point C application site and included land to be developed in accordance with the site preparation permission.

designed to mitigate the effect of both the site preparation works and the proposed nuclear power station.

- 8.16 In particular, Schedule 17 of the agreement requires the Applicant to establish a bond or escrow for £63 million before Phase 2 of the preliminary site works is implemented. It also requires that, at a prescribed time after the implementation of Phase 2, a surveyor be appointed to provide an estimate of the cost of completing the reinstatement works pursuant to Condition R1. If this estimate exceeds £63 million, then the amount of the bond or escrow would be increased accordingly. In the event that the Applicant is in breach of its obligation to carry out reinstatement works in accordance with Condition R1 of the site preparation permission, WSC could carry out the reinstatement works, using money drawn from the bond or escrow account for that purpose.

The effect of Article 2A

- 8.17 Article 2A(1) of the application draft DCO provides for the Applicant to serve a notice on WSC, the effect of which would be that the site preparation permission (including all the conditions to which it is subject) would cease to have effect. Prior to the service of such a notice, the Applicant would be precluded from carrying out Work No 1A (work on the development of the power station) under the DCO, but could continue with the development authorised by the site preparation permission, and with associated development authorised by the DCO.
- 8.18 The date on which notice is served under Article 2A is defined in Article 1 as the 'transitional date'. Article 2A(5) and Schedule 13 of the application draft DCO provide that matters which, prior to the transitional date, had been approved pursuant to a condition of the site preparation permission, would be deemed to have been approved for the purposes of a corresponding requirement in Schedule 11 of the DCO.
- 8.19 Article 2A(6) of the application draft DCO provides that, on the transitional date, the reinstatement obligations set out in Conditions R1 to R6 of the site preparation permission, and all the planning obligations in Schedule 17 of the site preparation s106 agreement, would be abrogated.

Legal restriction

- 8.20 Section 106A of the Town and Country Planning Act 1990 sets out the circumstances in which a planning obligation can be modified. Unless there is agreement between the appropriate authority and the party against whom the obligation is enforceable, a modification can only be made following an application by that party to the appropriate authority. Such an application cannot be made until 5 years after the date of the planning obligation.

8.21 The Applicant accepts that this would effectively prohibit the modification of the site preparation s106 agreement by means of the proposed DCO. In order to overcome this restriction, the Applicant has introduced a new Article 6A(2) into its final draft DCO. As a result of this, s106A of the 1990 Act would no longer apply to Article 2A of the proposed DCO. The legal basis for proposing Article 6A(2) (which was not disputed, and which we accept) is set out in paragraphs 3.1 to 3.21 of the Applicant's legal submission of 12 July 2012 (HE177, Part 2).

The Applicant's case for Article 2A

8.22 The Applicant argues that the reinstatement conditions exist solely because it chose to bring forward the site preparation works by means of a planning application made in advance of the DCO application. This was done in order to expedite delivery of the power station, in accordance with national policy. The site preparation s106 agreement had been necessary to secure planning permission; but the Applicant entered into it on the explicit understanding that the reinstatement obligations would be re-examined during the DCO process.

8.23 Once the DCO was made, it would authorise the requisite site preparation works. The site preparation permission would then be redundant. Its provisions, including the site reinstatement conditions, should be cancelled, so as to avoid any confusion. It would then be illogical for the arrangements set out in Schedule 17 of the site preparation s106 agreement to remain in place, when the reinstatement conditions which they were intended to secure no longer existed.

8.24 As presently drafted, the DCO contains no reinstatement requirements that would apply if the site preparation works were abandoned. It would be open to the Secretary of State to impose such reinstatement provisions, but the Applicant asserts that there are substantial reasons why no such provisions should be made.

8.25 First, the Planning Act 2008 already provides specific powers to deal with a NSIP that has been abandoned. Paragraph 3(5) of Schedule 6 to the Act provides that the Secretary of State may revoke a DCO on the application of the local planning authority, if the abandoned project is having an adverse effect on amenity. In such circumstances, the Secretary of State may require the alteration of buildings or works and impose new requirements. It follows that it is not necessary for the DCO to make specific provision for the restoration of the site in the unlikely event of the project being abandoned.

8.26 Second, the Applicant would not implement the DCO without fully considering the financial viability of the project. The financial implications of stopping works once started are so serious that the

promoter would not begin the development without having confidence that it could be completed without interruption.

- 8.27 Third, there is no expectation in national policy that NSIPs must provide insurance against the extreme possibility of incomplete development or abandonment. No requirement for such insurance has ever been imposed in relation to any other major project. To embark on such a course now would set an adverse precedent for (and disincentive to) future investment in major infrastructure projects in general, and nuclear power stations in particular.
- 8.28 Fourth, the Applicant has always intended that the DCO would relieve it of the reinstatement obligations contained in the site preparation permission and the associated s106 agreement. The other parties were aware of this when they entered into that agreement. Paragraph 5.5 of Schedule 17 of the site preparation s106 agreement contains the following:

It is acknowledged that NNB GenCo may apply to vary, remove, abrogate, modify or supersede the reinstatement obligations ... by a Development Consent Order ...

- 8.29 Fifth, once the proposed development has started, the reinstatement of the site might not be in the public interest. For instance, in the unlikely event of work being interrupted, it may be best for a different promoter to complete the project, rather than for works that have already been undertaken to be removed. This would be the case particularly if the development were well advanced. One of the absurdities of the site preparation permission and s106 agreement is that the site would have to be reinstated, even if the proposed power station were 99% complete.

Objections to Article 2A

- 8.30 Objections to Article 2A have been made by a number of interested parties including the joint Councils, Stogursey Parish Council and the Fairfield Estate. They argue that it would be important to secure the reinstatement of the site of temporary works following their completion, and of the power station site as a whole if the proposed development were to be abandoned prior to its completion. It is also important that reinstatement provisions should be backed by appropriate financial surety. As a result of Article 2A, the draft DCO would fail to meet these legitimate objectives.
- 8.31 Temporary construction works would include development authorised by the site preparation permission and the provision of the proposed jetty. These would have an adverse effect on the landscape and on nature conservation. However, the EA assumes that they would endure for only a limited period, after which their adverse effects would be mitigated by the reinstatement of the

affected land. The Fairfield Estate argues that unless these temporary works were subject to enforceable temporal limits and reinstatement provisions, the DCO would be unlawful.

- 8.32 Permanent construction works should also be subject to reinstatement provisions if the proposed development were, for any reason, to be abandoned prior to its completion. The Hinkley Point C project is justified solely by reference to the benefits of securing an adequate low-carbon energy supply in the national interest. That benefit may outweigh the environmental harm that would be done. But if the benefit were frustrated by the abandonment of the project prior to completion, there would be nothing to outweigh the environmental damage. There would clearly be a need to mitigate any environmental harm by reinstating the site.
- 8.33 In the circumstances, there could be no justification for dismantling the reinstatement provisions contained in the site preparation planning permission and s106 agreement. Article 2A (and Article 6A(2)) of the draft DCO should be deleted.
- 8.34 A number of interested parties argue that the risk of the project being abandoned is not fanciful. In recent times, the Fukushima disaster has had a profound effect on the nuclear power industry, including the decision by the German Government to abandon its nuclear power stations. RWE and E.ON have also abandoned their plans to build new nuclear power stations in Britain, at Oldbury and Wylfa.
- 8.35 The Applicant (NNB Generation Co Ltd) is a joint venture company set up by Électricité de France (EDF) and Centrica. On 20 April 2012, it was reported in the Financial Times that Centrica (which has a 20% stake in the joint venture) had threatened to pull out of the Hinkley Point C development if the Government failed to give assurances about 'nuclear energy prices'. Centrica's Annual Report and Accounts for 2011 contains the following:

... a final investment decision on Hinkley Point C is targeted for the end of 2012, although much remains to be achieved before this decision can be taken and the economics must prove to be sound.

Objectors assert that the future of the proposed Hinkley Point C development would be contingent upon the establishment and maintenance of an adequate price for nuclear energy.

- 8.36 The French Government (which own about 85% of EDF) has recently undergone a change of leadership. Objectors argue that this adds to the uncertainty surrounding the development of Hinkley Point C, as do the worsening economic conditions in the Eurozone, and pessimistic predictions concerning its recovery.

- 8.37 Of the 8 sites selected as being potentially suitable for new nuclear power stations in National Policy Statement (NPS) EN-6, only Hinkley Point has been the subject of an application for development consent (and even here the Applicant has not given a firm commitment to build the power station). Objectors argue that this demonstrates the degree to which the risk and uncertainty surrounding new nuclear development has increased since the National Policy Statements were published.
- 8.38 Nevertheless, assuming that the proposed development proceeds to completion, the Fairfield Estate argues that the DCO should make express and effective provision for the eventual reinstatement of the site at the end of the reactors' operational lives and following decommissioning.

Our conclusions on Article 2A

- 8.39 We do not accept the propositions (advanced by the Fairfield Estate) that the DCO should not duplicate the site preparation permission, in authorising preliminary works; or that the DCO should be subject to limitations that have the same effect as the conditions to which the site preparation permission is subject. The site preparation works would be an integral part of the proposed power station development. They are legitimately covered by the application for development consent.
- 8.40 The standalone site preparation planning application was determined by the local planning authority, which doubtless had proper regard to local policies and priorities in applying planning conditions and negotiating planning obligations. However, the draft DCO must be assessed against national policies for nationally significant infrastructure projects. Its provisions for site preparation works must be assessed in the context of the proposed power station development as a whole. We do not accept that, in considering the application for development consent, the Secretary of State must be bound by decisions taken by the local planning authority on a different application, which was made under different legislation, and was subject to different considerations.
- 8.41 Nevertheless, the site preparation permission was granted subject to the s106 agreement. The Applicant has entered into that agreement voluntarily within the past year; it was not compelled to do so. Schedule 17 of the agreement does not only provide for the reinstatement of land affected by the preliminary works if development consent is not granted. It also deals with situations in which development consent is granted but the power station is not completed. Although paragraph 5.5 of Schedule 17 acknowledges that the Applicant may seek relief from the reinstatement obligations by means of the DCO, this does not imply that the DCO must provide such relief.

- 8.42 The development authorised by the site preparation permission has now begun. The Applicant has therefore benefited from a planning permission which arguably would not have been granted but for the mitigation provided by the s106 obligations. Phase 2 of the site preparation programme (which would entail substantial earthworks) was originally planned to have begun in the summer of 2012, but has been delayed due to the unexpected discovery of contaminated land on the site. However, it is now expected that Phase 2 may start before the end of 2012, and well before the application for development consent is determined.
- 8.43 Even if development consent is granted, there would be no guarantee that the power station would be built. The proposed reactors still have to pass a Generic Design Assessment; and marine licences and environmental permits have to be obtained. Electricity market reforms may have a bearing on the financial viability of the project, and on the Applicant's final investment decision. Meanwhile, the preliminary site works could do significant damage to the landscape and to visual amenity.
- 8.44 The application site is set in a sensitive landscape. It is visible from the Quantocks Area of Outstanding Natural Beauty, which lies about 4km to the west. Immediately to the west of the application site there is an area of 'heritage land', which forms part of the Fairfield Estate. In the 1980s, this area was evaluated by the former Countryside Commission (now superseded by Natural England) as being of outstanding scenic interest, and worthy of protection and preservation for public enjoyment.
- 8.45 If the power station project fails to proceed to completion, we consider it important that the application site should not be left abandoned, and scarred by massive earthworks and unfinished buildings. We recognise that the Secretary of State would have the power to revoke the DCO or impose new requirements in such circumstances. However, it not clear to us how funding for the restoration of the site could be guaranteed in those circumstances, were it not for Schedule 17 of the site preparation s106 agreement.
- 8.46 Schedule 17 of that agreement provides some assurance about the means by which the site could be restored if unsightly development took place, but the scheme failed to proceed to completion. To be effective, it would depend upon Conditions G4 and R1 to R6 of the site preparation permission remaining in place, as these define the reinstatement obligations. Since development has been carried out under the site preparation permission, the conditions subject to which that permission was granted are now operative. If any of the contingencies described in Condition R1 were to arise, the reinstatement provisions would be engaged.

- 8.47 We do not consider that it would be appropriate for a DCO to interfere with the terms of a legal agreement, to the unilateral advantage of one of the parties, unless this would serve a clear public interest and be vital to the progress of the NSIP. Those circumstances do not apply in this case. Although the obligations contained in Schedule 17 of the s106 agreement are clearly burdensome to the Applicant, there is no present evidence that their removal would serve the public interest; or that their retention would impede progress with the development of the proposed power station.
- 8.48 After 5 years from the date of the site preparation s106 agreement, it would be open to the Applicant to apply for that agreement to be modified under s106A of the Town and Country Planning Act 1990. If the local planning authority were to refuse such an application, there would be a right of appeal against its decision. It is not for us to speculate about the outcome of such an application or appeal. But by that time, it should be clearer whether the development of the power station is likely to proceed to completion.
- 8.49 It may not always be in the public interest to reinstate the application site if progress with the construction of the power station falters. For instance, if construction of the power station was well advanced, but the Applicant was unable to complete the project, it may be preferable to seek a different developer to finish the job, rather than to remove the development that had taken place. But, in those circumstances, it would be possible for an application to be made under s73A of the Town and Country Planning Act 1990 for planning permission to retain the development which had been carried out under the site preparation permission, without complying with the reinstatement conditions to which that permission is subject. The outcome of such an application (or of any subsequent appeal) would depend upon the policy and other material considerations that applied at that time.
- 8.50 We recognise that national policy does not require that infrastructure projects must insure themselves against the possibility of incomplete development. The draft DCO contains no requirement for such insurance, and would set no precedent for such a requirement to be imposed in future. We do not suggest that it should. But that does not imply that it should undo a binding legal agreement which has been voluntarily made between the prospective developer and other interested parties. We do not consider that the DCO should abrogate the reinstatement conditions contained in the site preparation permission, or the provisions of the s106 obligation that would secure the funding necessary to ensure compliance with those conditions.
- 8.51 We conclude, on balance, that Article 2A(1) of the application draft DCO should be amended by the addition of the words 'save for

Conditions G4, R1, R2, R3, R4, R5 and R6'. We further conclude that Article 2A(6) of the application draft DCO should be deleted.

- 8.52 We do not accept the Fairfield Estate's submission that the DCO should make provision for the reinstatement of the site of the proposed nuclear power station when that facility comes to the end of its working life. We understand (from Chapter 5 of Volume 2 of the Environmental Statement) that this matter would be covered by a condition of the nuclear site licence, and would be the subject of a Funded Decommissioning Programme under the Energy Act 2008.

Article 3A – Authorisation of use

- 8.53 Article 3A of the application draft DCO would provide for the operation and use of the authorised project. The Fairfield Estate objects that, in doing so, Article 3A would unreasonably extend the Applicant's defence to nuisance claims (REP115 paras 4.5 to 4.7). We do not agree. The proposed development would serve no purpose if it could not be used. Provision is made for a defence to statutory nuisance proceedings in Article 7 of the draft DCO, as anticipated in s158 of the Planning Act 2008. We conclude that, if development consent is granted, Article 3A should be included in the DCO.

Article 5 – Consent to transfer the benefit of the DCO

- 8.54 Article 5 of the application draft DCO makes provision for the Applicant to transfer the benefits of the DCO to another person (with the consent of the Secretary of State). Article 5(3) provides that such a transferee would be subject to the same restrictions, liabilities and obligations as would apply under the DCO if the benefits conferred by the DCO were exercised by the Applicant. In response to a representation made by the joint Councils, the Applicant has proposed an amendment to clarify that these restrictions, liabilities and obligations would include development consent obligations. We consider this to be appropriate; the amendment is therefore included in our recommended draft DCO (Appendix D).
- 8.55 The Fairfield Estate (REP115) considers that Article 5(3) should also make it clear that any transferee would be bound by agreements made between the Applicant and WSC, in connection with the Harbour Empowerment Order (HEO) made under s16 of the Harbours Act 1964. The HEO provides for the construction of the temporary jetty to serve the proposed power station development. The agreements in question are the HEO Bilateral and Supplemental Agreements, which were made respectively on 2 December 2011 and 21 March 2012 (PD103, Appendices 4 and 5). They provide, among other things, for the eventual reinstatement of the onshore site of the temporary jetty, and for the establishment of a financial bond to ensure that this would be

done (see paras 8.149 et seq below). Certain provisions of the Bilateral Agreement ceased to have effect as a result of conditions attached to the HEO, when that instrument became effective.

- 8.56 Both agreements were made pursuant to s2 of the Local Government Act 2000 and s111 of the Local Government Act 1972. Unlike a s106 agreement, they would not be binding automatically on future owners of the relevant land.
- 8.57 However, the restrictions, liabilities and obligations imposed by these agreements do not derive from the DCO. If the benefits and rights conferred by the DCO were to be transferred by the Applicant to another person, we can see no reason why the restrictions, liabilities and obligations imposed by the HEO Bilateral and Supplemental Agreements should be similarly transferred.

Article 6A – Application of the Town and Country Planning Act 1990

- 8.58 The Applicant has included a new Article 6A in its final draft DCO. Article 6A(1) would apply section 57(2) of the Town and Country Planning Act 1990 to temporary associated development works¹ that would be permitted by the DCO for a limited period. The effect would be that, at the end of that limited period, planning permission would not be required for the restoration of the site of temporary associated development works to its previous lawful use. There has been no objection to the introduction of Article 6A(1), which we consider to be a worthwhile provision.
- 8.59 Article 6A(2) would negate the application of s106A and s106B of the Town and Country Planning Act 1990 to Articles 2A and 33B of the DCO. Articles 2A and 33B would each make provision for the modification of a planning obligation made under s106 of the 1990 Act. However, s106A(1) of the 1990 Act provides that a planning obligation may not be modified other than in accordance with the provisions of s106A and s106B. The effect of Article 6A(2) would be to remove this restriction.
- 8.60 Our conclusions on Article 2A and Article 33B of the draft DCO are set out elsewhere in this report. In neither case do we support the Applicant's proposals to modify an existing s106 agreement (see para 8.51 above and 8.90 below). In the circumstances we consider that proposed Article 6A(2) would serve no purpose. We conclude that it should not be included in the DCO.

¹ A definition of 'temporary associated development works' is included in Article 1 of the DCO. They are Works Nos 3, 4A, 5A, 7A, 8A(i) to (p), 9A, 10 and 11.

Article 6B – Application of the Community Infrastructure Levy Regulations 2010

- 8.61 The Applicant proposes the insertion of a new Article 6B in its final draft DCO. This would apply Regulation 5(2) of the Community Infrastructure Levy (CIL) Regulations 2010 to various temporary buildings or works that would be authorised by the DCO. Its effect would be to exclude those buildings or works from the definition of 'chargeable development'. There has been no objection to this proposal, and we see no grounds for charging CIL on these temporary structures. We conclude that the application draft DCO should be amended by the inclusion of Article 6B.

Article 7 – Defence to statutory nuisance proceedings

- 8.62 Article 7 of the application draft DCO would provide a defence to proceedings brought under the Environmental Protection Act 1990 in relation to a nuisance being caused by noise emission. The Fairfield Estate points out that the proposed wording of Article 7 of the DCO differs from that used in the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009, in that Article 7(1)(b)(i) has been omitted (WREP43, Appendix 6 and REP57). However, Article 7 of the Model Provisions would provide a number of defences against criminal proceedings in relation to a noise nuisance arising from the use of premises. The omission of one of these defences (7(1)(b)(i)) from the DCO would narrow the scope of the defences available to the Applicant in such circumstances.
- 8.63 Otterhampton Parish Council argues that Combwich should be exempted from Article 7, so that residents of that village would be able to receive redress for any statutory noise nuisance caused by the construction or operation of Combwich Wharf (REP052, Section 17). We recognise that some Combwich residents would be likely to suffer adverse effects of noise from Combwich Wharf.
- 8.64 In so far as practicable, we have recommended requirements that would mitigate this problem, for instance by the prohibition of construction and operational activities, and vessel movements, at night; and by the regulation of noise from generators aboard moored vessels. We also note that the Applicant has entered into a development consent obligation to provide sound insulation for the most exposed residential properties (PD112, Schedule 12). And we note that the worst operational noise events are likely to be confined to the limited periods in which vessels are berthing, being unloaded, and departing. The Environmental Statement has assessed noise levels at the most vulnerable residential properties in Combwich, and does not predict that these would constitute a statutory nuisance.
- 8.65 We attach considerable weight to the Applicant's ability to maximise the delivery of material needed for construction of the proposed power station development by sea. This would clearly

help limit the increase in road traffic. In the circumstances, we consider it appropriate that the DCO should provide a defence to proceedings in respect of statutory nuisance resulting from noise at Comwich Wharf.

Article 9 – Permanent stopping-up of streets

- 8.66 Article 9 of the DCO is concerned with the permanent stopping-up of streets. Amended provisions agreed between the Applicant and the Nuclear Decommissioning Authority are shown in the Applicant's final draft DCO. These would ensure that, following the proposed stopping-up of Wick Moor Drove, the Nuclear Decommissioning Authority would retain access to the Hinkley Point A nuclear power station, which is currently being decommissioned. Plainly, the retention of this access is vital. We conclude that Article 9 of the application draft DCO should be amended as proposed.

Article 14 – Discharge of water

- 8.67 The proposed wording of Article 14(7) is amended in the Applicant's final draft DCO, so as not to permit any activity listed in paragraph 3(1) of Schedule 21 of the Environmental Permitting (England and Wales) Regulations 2010. This responds to a representation made by the EA, and seems to us to be unexceptionable.

Article 18 and Schedule 9A – Compulsory acquisition of land

- 8.68 Article 18 would authorise the compulsory acquisition of land as shown on the Land Plans. In its final draft DCO, the Applicant proposes the insertion of a new paragraph (1A) into Article 18, which would negate this power of compulsory acquisition insofar as it would apply to the EA's land or interests as listed in a new Schedule 9A. The Applicant has now secured powers to acquire these interests from the EA by private treaty. However, the land in question would remain in the Land Plans, to authorise the compulsory acquisition of any other possible interests of which the Applicant is currently unaware. We see no objection to this.

Article 33A – Abrogation of restriction on development of Bridgwater C

- 8.69 Article 33A of the application draft DCO makes provision for the abrogation of a restriction on the use of land forming part of the site of the proposed Bridgwater C accommodation campus. This restriction is imposed by a covenant included in a deed of transfer dated 5 August 1993. The covenant stipulates that the land shall not be used otherwise than for recreational purposes and/or a rugby football club, and for no other purpose whatsoever.
- 8.70 In 1993 this land was transferred by the SDC to Safeway Stores plc, as part of a series of transactions to facilitate the development

of a superstore elsewhere in Bridgwater. The payment that the Council received reflected the restriction placed on the land's future use. The Council has now agreed to the suspension of this restriction during the period for which the site would be used as an accommodation campus for construction workers (as proposed by the Applicant) or subsequently as student accommodation for Bridgwater College, which stands nearby.

- 8.71 In the Applicant's final draft DCO, Article 33A has been amended to reflect these circumstances, referring to the suspension (rather than the abrogation) of the restriction on development. We support this amendment.
- 8.72 The land in question is currently owned and used as a playing pitch by the Bridgwater and Albion Rugby Football Club Ltd. The Club strongly supports the proposed development of its land, and has agreed satisfactory financial terms with the Applicant (REP143). The Club is seeking to lease land elsewhere, which would provide space for two adult pitches and additional youth pitches. If necessary, it could make temporary ground sharing arrangements as a fall back position, if the existing pitch were to be developed before the new pitches became available. We are satisfied that the existing playing field would be replaced by facilities of at least equivalent quantity or quality.

Article 33B – Modification of the North-East Bridgwater s106 agreement

The proposed North-East Bridgwater Development

- 8.73 The proposed Bridgwater A accommodation campus would occupy land that forms part of a much larger area known as North-East Bridgwater, which is proposed for development as a sustainable urban extension. In 2010, outline planning permission was granted for a mixed-use development of North-East Bridgwater, to include up to 2,000 dwellings; employment uses; a primary school; and recreational facilities, including two new areas of open space (the North and South Playing Fields). At that time, ownership of the North-East Bridgwater development area was split between Innovia Cellophane Ltd and Hallam Land Management Ltd. However, NNB GenCo has subsequently acquired interests in Innovia's holding.
- 8.74 The Bridgwater A accommodation campus would be partly on former industrial land that was previously used by Innovia (whose buildings are now mostly demolished); and partly on land occupied by the Bridgwater Sports and Social Club. This Club provides a range of recreational facilities, including 3 football pitches; a cricket field and practice net; a 6-lane outdoor bowling green; a 2-lane indoor bowling rink; 2 squash courts; a skittle alley; and changing rooms. These facilities are available for use on 365 days a year. The Club

evidently hosts 17 soccer teams and 6 cricket teams. Clearly, the Club's playing fields, which cover about 3ha, are not redundant.

- 8.75 The proposed North-East Bridgwater development would entail the loss of the Sports and Social Club, including the existing playing fields. However, the planning permission for that development is subject to the North-East Bridgwater s106 agreement (PD027). Clause 4.3 of that agreement reads as follows:

Hallam covenants that the North Playing Fields shall be laid out and completed prior to the occupation of the 550th dwelling unit on the Hallam land in any event and prior to the removal of the Existing Playing Fields if the South Playing Fields have not yet been laid out and completed.

Similarly, clause 4.4 of the agreement contains the following:

... the South Playing Fields shall be laid out and completed prior to the occupation of the 550th dwelling unit on the Innovia land in any event and prior to the removal of the Existing Playing Fields if the North Playing Fields have not yet been laid out and completed.

- 8.76 The purpose of these clauses is plainly to ensure that open space and playing field provision will be made within the North-East Bridgwater Development, and that alternative playing fields will be provided to mitigate the loss of the Bridgwater Sports and Social Club (the 'Existing Playing Fields').

The effect of Article 33B

- 8.77 Article 33B of the application draft DCO provides for the modification of clause 4.4 of the North-East Bridgwater s106 agreement by the deletion of the words 'and prior to the removal of the Existing Playing Fields if the North Playing Fields have not yet been laid out and completed'. The effect would be to remove the obligation to provide the South Playing Field before the existing playing fields at the Sports and Social Club were developed for the purposes of the Bridgwater A accommodation campus.
- 8.78 However, Hallam Land Management points out that it would be in breach of its obligation under clause 4.3 of the North-East Bridgwater s106 agreement if the existing playing fields at the Sports and Social Club were to be developed before either the North or the South Playing Fields had been provided (REP058). To overcome this, the Applicant now proposes, in its final draft DCO, that Article 33B should also provide that clause 4.3 of the s106 agreement be modified by the deletion of the words '*and prior to the removal of the Existing Playing Fields if the South Playing Fields have not yet been laid out and completed*'. Hallam Land Management would be content with that arrangement (REP082).

National policy

8.79 Paragraph 5.10.14 of NPS EN-1 indicates that:

...The loss of playing fields should only be allowed where applicants can demonstrate that they will be replaced with facilities of equivalent or better quantity or quality in a suitable location.

8.80 The Applicant points out that that guidance applies only to playing fields, and not to the other recreational facilities on the Bridgwater A site. Furthermore, it does not require replacement playing fields to be available for use before existing playing fields are lost to development, but simply that applicants should be able to demonstrate that the existing playing fields will be replaced at some time.

Proposed replacement provisions

8.81 The Applicant also argues that the loss of the Bridgwater Sports and Social Club, without like for like replacement, has already been sanctioned by the North-East Bridgwater planning permission. The Applicant has already committed £750,000 to be applied to enhanced sports and leisure provision in Bridgwater, through the site preparation s106 agreement (PD025, Schedule 11, Section 3). It also intends to provide for public use of new sports facilities, which would be provided at each of the proposed accommodation campuses housing workers employed in the construction of the power station (see Requirement PW22 of the Applicant's final draft DCO (PD110, Appendix 2, Schedule 11)).

8.82 The Applicant has now entered into new s106 development consent obligations (PD112). Schedule 9 of the DCO s106 agreement would commit the Applicant to apply for planning permission for a senior football pitch and temporary changing facility on Area 2 (PD114, Plan 8) of the Innovia land before 24 September 2012; and, if planning permission is granted for that development by 1 January 2013, to provide those facilities before the existing pitches at the Bridgwater Sports and Social Club are lost. If it takes longer to obtain planning permission, the Applicant would be committed to use reasonable endeavours to bring forward the proposed facilities on Area 2 as soon as practicable.

8.83 If the proposed pitch and temporary changing facility are not available by 30 September 2013, the development consent obligation would commit the Applicant to use reasonable endeavours to agree transitional arrangements with SDC to 'ensure continuity of appropriate facilities'. The development consent obligation states that the Applicant would be entitled to remove the existing playing fields once the transitional arrangements as approved by the Council had been provided.

- 8.84 The Applicant is also committed to work with Hallam Land and to use reasonable endeavours to bring forward the North Playing Fields on Area 1 (PD114, Plan 8) by 30 November 2013. And it will use reasonable endeavours to provide a further football pitch on Area 4 (PD114, Plan 8) by 31 May 2014. The Applicant has acquired rights to the Innovia land, and has secured the necessary agreements with Hallam Land to give effect to these commitments.
- 8.85 The Applicant asserts that the effect of these commitments would be the early provision of sports facilities on both the South and the North Playing Fields. This would represent a net benefit when compared with the North-East Bridgwater s106 agreement, which would require at least 1,100 dwellings to be built before both the North and the South Playing Fields were provided.
- 8.86 Finally, the Applicant stresses that early delivery of the Bridgwater A campus would enhance its ability to recruit sufficient construction workers, reduce potential accommodation impacts, and secure a sustainable arrangement for transporting workers to the Hinkley Point C site. The early delivery of the proposed power station would result in substantial planning benefits of national importance, which would far outweigh the loss of facilities at the Bridgwater Sports and Social Club.

Our conclusions on Article 33B

- 8.87 We recognise the force of these arguments. Nevertheless, we attach weight to the important role that the Bridgwater Sports and Social Club plays in providing playing fields that are clearly well-used. The North-East Bridgwater s106 agreement provides certainty that some replacement playing fields would be provided before the Bridgwater Sports and Social Club is redeveloped, although we are far from sure that the existing recreational facilities would be matched either in quality or quantity. We are conscious of the number of local people who have made representations concerning the possible reduction in playing field provision and the loss of opportunity to participate in sports.
- 8.88 Although Schedule 11 of the site preparation s106 agreement (PD025) provides for a contribution of £750,000 towards the provision of new or improved sports or leisure facilities in Bridgwater, none of this is specifically pledged for the replacement of the playing fields at the Bridgwater Sports and Social Club. Indeed, £250,000 of this sum is hypothecated to contribute to the cost of building a new swimming pool at the Chilton Trinity Technical College. The local planning authority argues that the remainder would be used to provide recreational facilities to cater for the needs of incoming construction workers, rather than the replacement of the existing playing fields that would be lost. In any event, the cost of replacing the lost facilities would substantially exceed £500,000.

- 8.89 The provision of a single football pitch would not replace the existing playing fields. The transitional arrangements described in the development consent obligations are an unknown quantity. Additional replacement provision would depend on the success of the Applicant's reasonable endeavours. In our view, reasonable endeavours are unlikely to be as dependable as the binding legal obligations set out in the North-East Bridgwater s106 Agreement. We consider it important to avoid a situation in which the quantity or quality of playing fields available for use by Bridgwater people would be reduced, even temporarily, as a result of the proposed development.
- 8.90 Paragraph 5.10.14 of NPS EN-1 clearly indicates that the loss of the playing fields at the Bridgwater Sports and Social Club should not be allowed unless the Applicant can demonstrate that those playing fields will be replaced with equivalent or better facilities. We do not consider that this has been demonstrated. In the circumstances, we do not accept that there is a case for the modification of the North-East Bridgwater s106 agreement in the manner proposed by Article 33B. We conclude that Article 33B should be omitted from the DCO. Consequentially, we also consider that the definition of the 'North East Bridgwater s106 Agreement' should be deleted from Article 1 of the DCO.
- 8.91 In order to secure compliance with national policy, we consider it necessary that the DCO should include a requirement to preclude the development of the existing playing fields at the Bridgwater Sports and Social Club until such time as a scheme giving assurance that they will be replaced by at least equivalent facilities has been submitted to and approved by the local planning authority. In view of the current progress toward the provision of the North and South Playing Fields, we do not consider that this need result in unacceptable delay to the Hinkley Point C project (see Appendix C, para 234).

Article 33C – Agreements relating to the Bridgwater Bay Nature Reserve

- 8.92 A new Article 33C is proposed in the Applicant's final draft DCO. This would have the effect of nullifying agreements relating to the Bridgwater Bay National Nature Reserve (NNR), insofar as they concern parts of the foreshore at Hinkley Point on which the proposed development would be carried out. The agreements (HE192, Appendices 4 and 5), which are jointly known as the 'Management Agreement', were made in the 1950s between the Somerset River Board and the Nature Conservancy, who have now been succeeded by the Environment Agency and Natural England respectively.
- 8.93 On 19 September 2012 (after the final draft DCO had been submitted) the Applicant and Natural England issued an agreed position statement relating to Article 33C (REP095). In this, the

two parties agree that, if the Secretary of State is minded to make the DCO with provisions which deal with the Bridgwater Bay NNR, those provisions should be worded as follows:

- 33C.- (1) From the effective date, the agreements dated 12th May 1954 and 17th January 1958 made between The Somerset River Board and The Nature Conservancy pursuant to section 16 of the National Parks and Access to the Countryside Act 1949 shall cease to have effect insofar as they relate to the de-declaration land.
- (2) For the purposes of paragraph (1)¹, the 'effective date' is the latest date on which a court may entertain proceedings in relation to the making of the Order by virtue of section 118(1) of the 2008 Act.
- (3) For the purposes of paragraph (1)¹, the 'de-declaration land' is the land shown outlined in orange, green and red on the plan certified by the Secretary of State pursuant to Article 41 for the purposes of this Article 33C.

- 8.94 The effect would be that the Management Agreement would no longer apply to the specified (de-declaration) area. That area consists of parts of the foreshore within the DCO application site. In accordance with the National Parks and Access to the Countryside Act 1949, NE would have to declare that that land was no longer being managed as a nature reserve. This in turn would mean that byelaws made under the 1949 Act would no longer apply in that area.
- 8.95 The Applicant favours this approach because the proposed development would inevitably breach certain of the byelaws, for instance those which prohibit the removal of vegetation, soil and rock, or the mooring of boats. There is an essential incompatibility between the works and activities proposed in the DCO, and the management of the affected land as a nature reserve.
- 8.96 Although NE have agreed to the above wording of Article 33C, they would prefer an alternative in which the terms of the Management Agreement were altered by a Deed of Variation. This would acknowledge that the byelaws would not be enforced against the Applicant, to the extent that the Applicant had statutory authority for its activities. It would also provide that NE would not exercise any of their rights under the Management Agreement in such a way as to interfere with the Applicant's authorised activities. By this means, the NNR and the Management Agreement would remain intact, and the byelaws would continue to apply to third parties, who might otherwise cause damage to

¹ In the position statement agreed between the Applicant and Natural England, this reference is to paragraph (2) rather than paragraph (1). We consider that this must be a typographical error.

this area's natural interest features. Article 33C could be omitted from the DCO.

- 8.97 The EA would support the resolution of this matter by agreement, so as to enable the omission of Article 33C from the DCO. However, they acknowledge that the issue could also be resolved by the inclusion of Article 33C in its agreed form, if the Secretary of State considers this appropriate.

Our conclusions on Article 33C

- 8.98 The Deed of Variation proposed by NE had not been completed by the end of our examination. However, the parties have undertaken to inform the Secretary of State when it has been. Without having seen the precise terms of the Deed of Variation we do not consider that it would be appropriate for us to rely on that document.
- 8.99 We are persuaded that the potential conflict between the proposed development and the byelaws that apply within the NNR should be resolved. Accordingly we consider that Article 33C should be included in the DCO, in the form agreed between the Applicant and NE. However, the Secretary of State may wish to omit this Article, if he considers that the Deed of Variation, as eventually submitted, offers a preferable alternative.

Article 42AA and Schedule 14 – Procedure in relation to certain approvals

- 8.100 The Applicant proposes a new Article 42AA, which would establish general procedures in relation to applications or requests for approval, consent or agreement required as a consequence of the DCO. Article 42AA(1) would establish a general principle that such approvals, consents or agreements should, if given, be given in writing; and that they should not be unreasonably withheld. The Applicant proposes consequential amendments to Articles 11, 12, 14 and 16 of the application draft DCO, each of which would separately require that approvals etc should not be unreasonably withheld; and that where given, they should be given in writing. We consider that the provisions of Article 42AA(1) would avoid the unnecessary repetition of these sensible principles.

Approvals sought pursuant to Schedule 11 requirements

- 8.101 Article 42AA(3) would give effect to a new Schedule 14 of the DCO. This schedule would set out arrangements for applications for consents, agreements or approvals arising from the requirements contained in Schedule 11 of the DCO. In the application draft DCO, responsibility for discharging such requirements is placed on the Infrastructure Planning Commission (IPC) or its successor. The IPC has now been abolished and its successor (as a decision-maker) is the Secretary of State. We consider it inappropriate that the Secretary of State should have primary responsibility for the discharge of requirements dealing

with such matters as the detailed design of buildings, the monitoring of emissions, or the landscaping of a site.

- 8.102 The Applicant now proposes that responsibility for discharging requirements that affect marine areas should rest with the Marine Management Organisation (MMO); and that responsibility for discharging other requirements should rest with the relevant local planning authority, or with the Somerset County Council (SCC), as appropriate. The MMO and the relevant local authorities would be content with these arrangements, and so would we¹. We consider that the definition of 'Commission' (to mean the IPC or successor body) should be deleted from Article 1 of the DCO.

Time limits for discharging Schedule 11 requirements

- 8.103 Paragraph 1 of Schedule 14 of the Applicant's final draft DCO would prescribe the time limit within which an application arising from a DCO requirement must be decided by the discharging authority. The limit would be 8 weeks for a major detailed requirement and 5 weeks for a minor detailed requirement. Major and minor detailed requirements are respectively defined in Article 1 of the Applicant's final draft DCO. The definition of 'major detailed requirements' in Article 1 includes references to Requirements CW2, CW3, and CW4. These have been included in error, as the requirements in question have been superseded and are no longer included in the final draft DCO. They should be deleted.
- 8.104 Potential consultees, including the EA (REP108) and NE (REP109) are concerned that they should be given at least 21 days in which to respond to relevant applications arising from requirements. However, the joint Councils consider that this can be accommodated, even within the proposed 5 week deadline. We have no reason to disagree. If no further information is required, it should be possible for the discharging authority to allow consultees 21 days in which to respond, and still issue a decision within 5 weeks (35 days) of the application being made.
- 8.105 Paragraph 2 of Schedule 14 would deal with the need for further information about applications to discharge requirements. Sub-paragraph 2(2) would provide that, if the discharging authority requires further information, it must notify the Applicant within 7 business days of the receipt of such an application.
- 8.106 Sub-paragraph 2(3) would provide that, if further information is sought by a requirement consultee, the discharging authority must notify the Applicant of this within 11 business days of receipt of the application. Potential consultees, including the EA (REP108),

¹ We do however consider that the Environment Agency should be the discharging authority for a suggested additional Requirement (MS28), which would provide for a scheme to control the discharge of effluent containing hydrazine.

NE (REP109) and the CCW (REP114) seek a period of 21 days in which to decide whether they would need further information from the Applicant. We have some sympathy with their position. For instance, the EA could be confronted with multiple applications at a time when their resources are under acute pressure, due to, say, a flooding event or a major pollution incident. We consider that the discharging authority should be given 21 days in which to notify the Applicant of a request for further information from a requirement consultee.

- 8.107 Sub-paragraph 2(4) would deal with circumstances where the discharging authority fails to notify the Applicant of a request for further information. The words 'this 7 day period' are inaccurate and should be replaced by the words 'the relevant period specified in sub-paragraph (2) or (3) above'.

Fees for discharging Schedule 11 requirements

- 8.108 Paragraph 3 of Schedule 14 would make provision for a scale of fees to be paid by the Applicant to the discharging authority when an application was made pursuant to a DCO requirement. The fees cited are acceptable to the MMO and the relevant local authorities. They mirror the fees set out in the current Fees Regulations made under the Town and Country Planning Act 1990, and we have no reason to question them.

Appeals

- 8.109 Paragraph 4 of Schedule 14 would provide for an appeal to be made to the Secretary of State in various circumstances. These include where the discharging authority refuse an application made pursuant to a DCO requirement; or approve it subject to conditions; or fail to issue a decision within the prescribed period. We consider this right of appeal to be vital.
- 8.110 Sub-paragraph 4(2) goes on to set out detailed arrangements for dealing with appeals. These would place an obligation on the Secretary of State to appoint a person to decide the appeal (and notify the parties to the appeal of that person's name) within 10 business days of receipt of the appeal. The date of that notification would be the 'start date'. Within 10 business days of the 'start date', the discharging authority and any requirement consultees would have to send their written representations to the appointed person, and send copies to the Appellant. The Appellant could then make written counter-submissions to the appointed person within 10 business days of receipt of the written representations. The appointed person would be required to notify the appeal decision to the appeal parties within 15 business days of the deadline for receipt of the counter-submissions.
- 8.111 It is not clear to us that it would always be possible for the Secretary of State to appoint a suitably qualified person to deal

with an appeal within 10 business days of that appeal being made. Neither would it necessarily be practicable for the appointed person to digest the documentation, visit the appeal site (if this were required) and issue a reasoned decision, all within 15 days of receipt of the counter-submissions. Much would depend upon the complexity of the appeal, the availability of suitably qualified personnel, and the pressure to decide appeals of a similar nature, including those arising from other development projects. In our view, sub-paragraph 2(b) should be amended to read:

as soon as is practicable after receiving the appeal documentation, the Secretary of State shall appoint a person to determine the appeal and shall notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person's attention should be sent.

And we consider that sub-paragraph 2(e) should be amended to read:

the appointed person shall make a decision on the appeal and notify it to the appeal parties as soon as is reasonably practicable.

- 8.112 Sub-paragraph 4(4) would provide that, if the appointed person considers further information to be necessary to decide the appeal, he must notify the 'undertaker' (ie NNB Generation Co Ltd) of this within 5 working days of his appointment. However, it seems to us that the other appeal parties should also be notified. Further, we consider it unreasonable to expect the appointed person to decide whether he would require further information without having seen the written representations of the parties to the appeal. We consider that sub-paragraph 4(4) should be amended to read as follows:

In the event that the appointed person considers that further information is necessary to enable him to consider the appeal he shall, as soon as is practicable, notify the appeal parties in writing, specifying the further information needed, the appeal party from whom that information is sought, and the date by which the information is to be submitted.

- 8.113 Sub-paragraph 4(5) would provide for the submission of the further information requested to the appointed person, and would impose a duty on the appointed person to notify the parties of a revised timetable for deciding the appeal when further information is sought. Since we consider that the appeal should be decided as soon as is practicable, we see no need for a revised timetable. We consider that sub-paragraph 4(5) should be revised to read as follows:

Any further information required pursuant to subparagraph (4) shall be provided by the party from whom the information is sought to the appointed person and other appeal parties by the day specified by the appointed person (the 'agreed day'). Any written representations concerning matters contained in the further information shall be submitted to the appointed person and made available to other appeal parties within 10 business days of the agreed day.

Other approvals

- 8.114 Article 42AA(2) applies to applications for approval, consent or agreement other than those made pursuant to Schedule 14. It provides that, if the recipients of such an application fail to notify the Applicant of their disapproval (and the grounds for their disapproval) within 28 days, they shall be deemed to have approved the application.
- 8.115 We consider this proposal to be draconian. If, for instance, the Applicant applies to a private householder for permission to station apparatus on the householder's land (for example to measure noise or air quality) and the householder fails to respond within 28 days, or fails to state the grounds on which he or she disapproves, we do not consider that the Applicant should be entitled to station their apparatus on the land willy-nilly. We conclude that, if development consent is granted, proposed Article 42AA(2) should be omitted from the DCO. Otherwise, we consider that Article 42AA and Schedule 14 should be included in the DCO, subject to the modifications outlined above.

Article 42A – Duration of temporary jetty powers and closure of the harbour

- 8.116 Article 42A of the application draft DCO would provide for the closure of the harbour at Hinkley Point, and for the removal of the temporary jetty when that structure is no longer required. It was included in the DCO because, at one time, the MMO had indicated that provision for the closure of the harbour could not be included in the Harbour Empowerment Order. The Applicant now proposes that provision for the removal of the temporary jetty should be included in Part 2 of the DCO, and accordingly proposes that Article 42A should be deleted. We support this approach, the reasons for which are set out in the section of this Chapter which deals with proposed alterations to Part 2 of the DCO.

Article 43A and Schedule 15 – For the protection of the Environment Agency (Part 1)

- 8.117 The Applicant's final draft DCO includes a new Article 43A and Schedule 15, which contain protective provisions that have been agreed with the EA. These address the Agency's concern that the

DCO would otherwise restrict their usual enforcement powers in relation to the maintenance of drainage works and flood defences. The EA have drawn attention to an error in the final line of paragraph 2(2) of Schedule 15, where the words 'specified works' should be replaced by the words 'consented works'. Otherwise, we consider that Article 43A and Schedule 15 should be included in the DCO.

Alterations to the Provisions of Part 2 of the draft DCO

The Hinkley Point Harbour Empowerment Order 2012

- 8.118 Part 2 of the application draft DCO defines the relationship between the present proposals and the Hinkley Point Harbour Empowerment Order 2012 (HEO). In December 2010, NNB Generation Co Ltd submitted 3 applications to the MMO. The first was for an HEO under s16 of the Harbours Act 1964. This application sought authorisation for the creation of a harbour at Hinkley Point, and the establishment of a temporary harbour authority with powers to construct and operate a jetty. The remaining applications were for marine licences under Part 4 of the Marine and Coastal Access Act 2009. The first of these sought authorisation for the construction of the jetty. The second sought authorisation for the dredging of material to form a berthing pocket alongside the proposed jetty.
- 8.119 The jetty would be required temporarily for the seaborne delivery of concrete-making materials, to be used in the construction of the proposed power station. The MMO approved all 3 applications, subject to conditions, on 16 July 2012. Article 39 of the HEO (PD090) makes provision for the closure of the jetty and reinstatement of the land, contrary to the MMO's earlier indication that this would not be possible.
- 8.120 Initially, it had been the Applicant's intention to rely on the HEO for the authorisation of the proposed jetty. Part 2 of the application draft DCO proposed the authorisation of the temporary jetty works as a safeguard against the powers sought in the HEO being refused, or quashed following legal challenge. Once the HEO was granted and safe from challenge, the Applicant had intended to withdraw its application in respect of Part 2 of the DCO. However, during the course of the DCO examination, questions were raised as to the lawfulness of this approach.

Section 145(2) of the Planning Act 2008

- 8.121 Section 145(2) of the Planning Act 2008 reads as follows:

An order granting development consent may include provision changing the powers and duties of a harbour authority only if

- (a) *the development to which the order relates is or includes the construction or alteration of harbour facilities, and*
- (b) *the authority has requested the inclusion of the provision or has consented in writing to its inclusion.*

- 8.122 During the examination, the joint Councils argued that closure of the harbour, as originally provided for in Article 42A of the application draft DCO, would constitute a provision changing the powers or duties of the harbour authority, thereby engaging section 145(2) of the 2008 Act. If Part 2 of the draft DCO were withdrawn once the HEO became safe from challenge, then the DCO would not include provision for the construction or alteration of harbour facilities. It followed that the retention of Article 42A in Part 1 of the DCO would be unlawful, by virtue of section 145(2)(a).
- 8.123 Conversely, the joint Councils argued that, if Part 2 of the DCO were retained, it would be instrumental in the creation of the harbour authority. In that case, as a matter of logic, the harbour authority could neither request nor consent to the inclusion of a provision changing its powers or duties in the DCO, since it would not exist until the DCO was approved.
- 8.124 The Applicant described this as the 'narrow interpretation' of section 145(2). It advanced a 'wider interpretation' of that section. In essence, this was that a provision extinguishing the powers and duties of a harbour authority would not be a provision changing those powers and duties, because there would be no changed powers and duties as an end result. Consequently, Article 42A of the DCO would not contravene section 145(2) of the 2008 Act.
- 8.125 During our examination of the DCO, it became clear that the period during which the provisions of the HEO might be challenged would not have expired by the end of the examination period. At this point, and in response to uncertainties arising from the relationship between the HEO and the draft DCO, the Applicant suggested 5 variations to the drafting of the DCO, any one of which might be adopted by the Secretary of State at the time of his decision. The variations were to deal respectively with circumstances where:
- (i) the HEO had been quashed following legal challenge;
 - (ii) the HEO was safe from legal challenge and the "wider interpretation" of section 145(2) was favoured;
 - (iii) the HEO was subject to an unresolved legal challenge and the "wider interpretation" of section 145(2) was favoured;

- (iv) the HEO was safe from legal challenge and the “narrow interpretation” of section 145(2) was favoured; and
- (v) the HEO was subject to an unresolved legal challenge and the “narrow interpretation” of section 145(2) was favoured.

With the exception of (ii), each of these variations would entail the retention of Part 2 of the DCO (PD103, Part 3 and Appendix 2).

8.126 Subsequently, the Applicant proposed a simpler solution, which would entail the retention of Part 2 of the DCO (subject to certain amendments) regardless of whether the HEO were quashed, subject to legal challenge, or safe from legal challenge; and regardless of whether the ‘narrow’ or ‘wider’ interpretation of section 145(2) of the 2008 Act were favoured (PD107, Section 3). This would entail the introduction of new Articles 44A, 44B, 44C, 100A and 100B into the draft DCO. Together these would provide for the HEO to be superseded by Part 2 of the DCO; and would provide for the eventual closure of the harbour, rendering Article 42A of the application draft DCO redundant.

Articles 44A to 44C – Switching from the HEO to the DCO

- 8.127 New Article 44A would make provision for the Applicant to serve a ‘switching’ notice on WSC and the MMO. The other operative provisions of Part 2 of the DCO (which would provide, among other things, for the construction, operation and eventual closure of the temporary jetty) would not become effective until the ‘switching’ notice had been served, or one year had elapsed from the ‘relevant date’ (ie the date on which the DCO came into force, or the date on which any statutory challenge or judicial review proceedings to which the DCO was subject were determined).
- 8.128 New Article 44B would limit the duration of the temporary jetty powers, by providing that Part 2 of the DCO would cease to have effect on a ‘termination date’ to be appointed by the Applicant. The Fairfield Estate comments that this would overlap with Article 100A, which would provide for the closure of the jetty. However, the Applicant points out that Articles 44B and 100A of its final draft DCO would respectively mirror Articles 1 and 39 of the HEO. Since the MMO had adopted this format, the Applicant has followed suit.
- 8.129 New Article 44C would provide that, once effective, Part 2 of the DCO would apply instead of the HEO, which would cease to have effect in its entirety¹. Any development carried out under the HEO would be deemed to have been carried out under the DCO; and

¹ Although Article 44C(4) of the draft DCO makes particular reference to Articles 4 and 7 of the HEO, the Fairfield Estate (REP115, para 4.22) are mistaken in concluding that other provisions of the HEO would be excluded from the scope of Article 44C.

any byelaws or directions made or given under the HEO would be deemed to have been made or given under the DCO.

- 8.130 The Fairfield Estate considers that Article 44C should be introduced by the phrase - 'Following the commencement of Part 2 of this Order pursuant to Article 44A ...' (REP115, para 4.20). We disagree. Article 44A would already make it clear that the whole of the remainder of Part 2 of the DCO, including Article 44C, would become effective only in certain specified circumstances. That provision would not need to be repeated.

Objections to the 'switching' provision

- 8.131 The Fairfield Estate contends that the DCO should not include consent for works that are already authorised by the HEO (REP115). It argues that the HEO contains controls and restrictions that were considered to be necessary by an Inspector and by the MMO following a 3-week public inquiry. The controls and restrictions now proposed by the Applicant to be included in the DCO fall short of those imposed by the HEO. There can be no lawful basis on which those considering the DCO could adopt a different approach to that taken towards the HEO by the Inspector and the MMO.
- 8.132 However, if this proposition is not accepted, then the Fairfield Estate contends that the DCO should be subject to requirements that fully reflect the conditions and other limitations contained in the HEO. Furthermore, if any of the controls set out in the HEO were to be set aside, this should not be permitted until work on the construction of the power station (ie Work No 1A(d)) had begun. Otherwise, having abrogated the controls established by the HEO, the Applicant would be able to proceed with the construction of the jetty as a 'standalone' project, in circumstances that would be no different to those against which the HEO application had been assessed.
- 8.133 The EA are concerned that the jetty is presently authorised by the HEO, under the Harbours Act 1964; and is also proposed to be authorised by the DCO, under the Planning Act 2008 (REP101). The 1964 Act is a civil law regime. If the provisions of the HEO were alleged to be breached, the legal test to be applied would be 'the balance of probability'. In contrast, section 161(1) of the Planning Act 2008 indicates that an offence would be committed if, without reasonable excuse, a person failed to comply with the terms of a DCO. The legal test to be applied would be that the facts were 'beyond reasonable doubt'.
- 8.134 The Environment Agency cite *Garvey v Warrington DC* [1988] JPL 752, in which it was held that approaches to interpretation were different in civil and criminal proceedings. In civil proceedings, a regulator would be entitled to a benevolent approach to the interpretation of an instrument. However, in criminal proceedings,

a defendant would be entitled to the benefit of any doubt about the interpretation of terms. Consequently, the terms of the DCO would be more favourable to the Applicant than the terms of the HEO. The 'switching' provision would change the manner in which the jetty would be controlled. Furthermore, the terms of the DCO, including its requirements, would not be the same as those of the HEO, including its conditions.

8.135 The EA argue that, in practice, it is difficult to see how the 'switching' provision would be consistent with effective regulation. For instance, if a breach of the terms of the HEO occurred when the jetty was half-built, the Applicant would appear to be entitled to issue a notice under Article 44A(1) and switch to the DCO regime, so as to avoid the consequences. By this means the Applicant might escape liability for a major pollution incident. Further, without some form of physical inspection of the jetty coincident with the service of the 'switching' notice, it might be difficult to distinguish that which had been built prior to 'switching' (which would be subject to the HEO regime) from that which had been built since 'switching' (which would be subject to the DCO regime).

8.136 The EA assert that the Applicant's real concern is the potential for legal challenge to the HEO, which might threaten the early construction and use of the jetty. This could be addressed by:

- (a) deleting the words '(except for this article and article 44)' from Article 44A(1); and
- (b) by rendering Article 44A(1) subject to Article 44A(4) such that Article 44A(1) would be engaged only in the event that the HEO is quashed, and then with immediate effect.

Our conclusions on the 'switching' provisions

8.137 The 'switching' provisions would avoid the complexity of having to choose between the 5 different sets of drafting for the DCO. They would also obviate the need to consider whether the 'narrow' or 'wider' interpretation of s145(2) of the Planning Act 2008 should be adopted. As Part 2 of the DCO would be retained to provide for the construction of the jetty, the test set in s145(2)(a) of the 2008 Act would be met.

8.138 As to the test in s145(2)(b) of the 2008 Act, as the HEO is now effective, the Applicant is established as harbour authority. By letter dated 14 September 2012 (REP130) it has indicated that, to the extent that the DCO would change its duties as harbour authority, it consents to the DCO being made in that form for the purposes of s145(2) of the Planning Act 2008.

8.139 We do not accept the argument that the DCO should not authorise development that is already authorised by the HEO. The

application for the HEO was made in advance so as to expedite the delivery of the temporary jetty, and hence the power station, in accordance with Government policy. However, the HEO application was dealt with in the absence of full evidence about the likely impact of the power station development. This is reflected in some of the provisions of the HEO (PD090).

- 8.140 For instance, Condition 9(1) of the HEO sets out noise limits for the authorised construction works at specified times. However, Condition 9(4) provides that, if a DCO for the power station is implemented and contains noise limits for specified times, those noise limits are to apply instead of the noise limits specified in the Condition 9(1) of the HEO.
- 8.141 Similarly, Condition 45(2) of the HEO sets limits for the movement of heavy goods vehicles (HGVs); but Condition 45(10) indicates that, if a DCO for the power station is implemented and contains restrictions relating to HGV traffic, the restriction on HGVs set out in Condition 45(2) of the HEO shall cease to apply, and the limits imposed by the DCO shall apply instead.
- 8.142 Condition 2 of the HEO prohibits construction work on Sundays or Bank Holidays, or outside the hours of 07:00 to 18:00 on weekdays or 07:00 to 13:00 on Saturdays. However, these restrictions would appear to serve no purpose if the DCO were to authorise construction work on the power station to continue for 24 hours a day, 7 days a week, as proposed by the Applicant.
- 8.143 Furthermore, the HEO expressly authorises the erection of temporary onshore storage buildings adjacent to the proposed jetty. These include a large sand shed and some cement silos. Certain conditions imposed by the HEO apply specifically to those buildings. However, as these temporary buildings would be required for the construction of the nuclear power station authorised by the DCO, once the DCO was put into effect, they would constitute permitted development falling within Class A of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (even if they were not authorised by Article 2(1) of the DCO).
- 8.144 In our view, it is wholly appropriate that associated development on a site contiguous with (and overlapping) the proposed power station site should be considered in the context of the power station development, and should be subject to limitations or requirements that are consistent with those to be applied to that development. For this reason, we consider it appropriate that the DCO should make provision for the temporary jetty as associated development, notwithstanding the fact that provision of the jetty is already authorised by the HEO. And we do not consider it to be either necessary or appropriate that the temporary jetty, authorised as associated development, should be subject to requirements that replicate the conditions contained in the HEO.

- 8.145 We do not consider that the proposed 'switching' provisions would give rise to the regulatory or enforcement difficulties envisaged by the EA. Up until the service of the 'switching' notice, the works authorised by the HEO would be subject to the enforcement regime appropriate to the Harbours Act 1964. After service of the notice, any works carried out under the HEO would be deemed to have been carried out under the DCO, by virtue of proposed Article 44C of the DCO. It follows that the enforcement regime prescribed by the Planning Act 2008 would then apply to all those works.
- 8.146 We acknowledge that there is a difference between the civil and criminal enforcement regimes established respectively by the Harbours Act 1964 and the Planning Act 2008. However, we see no reason to favour one of these regimes above the other. Had the Applicant chosen not to pursue the construction of the temporary jetty by means of an HEO application, there is no doubt that it would have been free to apply for the DCO to authorise the jetty as associated development. In our view, the fact that the Applicant has obtained the HEO does not disqualify the proposed DCO from including provision for the jetty as associated development, for which application has been made.
- 8.147 We are not persuaded that service of the 'switching' notice should be delayed until construction of Work No 1A(d) has started. There is no reason why the Applicant would want to build the temporary jetty as a 'standalone' project. The jetty's sole purpose would be to facilitate the delivery of construction materials to the site of the proposed power station.
- 8.148 We conclude that Articles 44A, 44B and 44C of the Applicant's final draft should be included in the DCO, with the exception of Article 44C(6) and (8), with which we deal below.

Article 44C(6) and (8) – Abrogation of HEO agreements

- 8.149 Article 44C(6) concerns the HEO Bilateral and Supplemental Agreements, which were made between the Applicant and West Somerset District Council (WSC) on 2 December 2011 and 21 March 2012 respectively. In both cases, the agreements were made pursuant to s2 of the Local Government Act 2000 and s111 of the Local Government Act 1972 (PD103, Appendices 4 and 5).
- 8.150 The HEO Bilateral Agreement sets out contractual obligations which would apply in relation to the HEO if (and only if) deemed conditions dealing with the same subject matter were not contained in the HEO, as granted by the Marine Management Organisation (MMO). The Inspector who held the inquiry into the proposed HEO considered whether reliance should be placed on the obligations in the Bilateral Agreement, or whether deemed conditions should be contained within the HEO. He recommended the latter course (PD091). The MMO accepted his recommendation and included deemed conditions in the HEO as approved (PD090).

- 8.151 However, Clause 13.2 of the HEO Bilateral Agreement reads as follows:

For the avoidance of doubt article 28A¹ of the HEO (duration of the Order and closure of the harbour) shall not override or affect the operation of paragraph 46 (potential reinstatement) of the First Schedule to this Agreement.

As a result of this, paragraph 46 of the First Schedule of the Bilateral Agreement appears now to be the only part of that agreement which remains effective.

- 8.152 The provisions of paragraph 46 of the First Schedule of the Bilateral Agreement are similar to those of Article 39 of the HEO. They provide that use of the jetty must cease by 31 December 2025 or such later date as the MMO and WSC may allow, after which the jetty must be removed, and the onshore area must be reinstated in accordance with a strategy to be approved by the local planning authority. However, if the DCO is not made within 5 years of the date of the HEO, or is made but not implemented within the time specified in the DCO, or is made and implemented but the authorised power station development ceases to be capable of lawful continuation or completion, then the jetty must be removed and the onshore area reinstated (in accordance with a strategy approved by the local planning authority) as soon as is reasonably practicable.
- 8.153 Paragraph 4.1 of the First Schedule to the HEO Supplemental Agreement provides that:

... NNB may apply to vary, remove, abrogate, modify or supersede the reinstatement obligations set out in paragraph 46 of the First Schedule to the Agreement and Article 28A of the HEO (save to the extent that such obligations relate to removing the part of the Jetty Reinstatement Works which are not included in the Site Preparation Reinstatement Works) ...

We find this incomprehensible. There is nothing in the relevant obligations that relates to 'removing ... Jetty Reinstatement Works'. The Applicant (who is signatory to both agreements) accepts that this phrase is 'somewhat ambiguous' (which we consider to be an understatement). The Applicant suggests that the intention may have been to refer to 'removing the part of the jetty which is not included in the site preparation works'.

- 8.154 Article 44C(6) of the draft DCO provides for the abrogation of paragraph 46 of the HEO Bilateral Agreement 'to the extent that the reinstatement obligations contained within it relate to

¹ Article 28A appeared in an early draft of the HEO but was omitted from the approved version. It is succeeded by Article 39, which now provides for the closure and subsequent removal of the jetty.

removing the part of the jetty reinstatement works covered by the site preparation reinstatement works'. This reflects the impenetrable language of paragraph 4.1 of the First Schedule to the Supplemental Agreement.

- 8.155 In addition, Article 44C(6) would abrogate the HEO Supplemental Agreement. Among other things, the Supplemental Agreement contains a covenant precluding the Applicant from commencing the development of the temporary jetty as authorised by the HEO until it has provided a bond or equivalent security to WSC, for a sum exceeding £21 million. That sum could be drawn on by the Council to fund the jetty reinstatement works referred to in paragraph 46 of the First Schedule to the HEO Bilateral Agreement, in the event that the Applicant defaulted on its obligations in this respect. This bonded sum would be reduced to £4 million once the £63 million security provided for by Schedule 17 of the site preparation s106 agreement was in place.

Objections to the abrogation of the HEO agreements

- 8.156 The joint Councils (PD046) and the Fairfield Estate (REP115) object to the proposed abrogation of the HEO agreements. They argue that even if the jetty is constructed as part of the works authorised by the DCO, all obligations and agreements negotiated as part of the HEO process should remain effective.

Our conclusions on Article 44C(6)

- 8.157 Our approach to the proposed abrogation of the two HEO agreements is similar to our approach to the proposed abrogation of Schedule 17 of the site preparation works s106 agreement. The Applicant entered into each of the HEO agreements voluntarily within the past year or so. The Bilateral Agreement provides not only for the reinstatement of land affected by the jetty works if development consent is not granted, but also deals with situations in which development consent is granted but the power station is not completed.
- 8.158 Even if development consent were granted, there would be no guarantee that the power station would be built. And if work began on the construction of the jetty and the project was then abandoned, the derelict remains of the jetty could have a significant adverse effect on the landscape and on visual amenity.
- 8.159 We recognise that the Secretary of State would have the power to revoke the DCO or impose new requirements in such circumstances. However, it is not clear to us how funding for the restoration of the intertidal part of the jetty site could be guaranteed, were it not for the HEO Supplemental Agreement.
- 8.160 We recognise that national policy does not require that infrastructure projects must insure themselves against the possibility of incomplete development. But neither does it require

the abrogation of voluntary agreements between prospective developers and local authorities, which make provision for such insurance. In our view, a DCO should not be used to modify such agreements unilaterally to benefit one of the contracting parties, unless this would serve a clear public interest and be vital to the progress of a NSIP. That test is not satisfied in the present case. Accordingly, we conclude that, if development consent is granted, Article 44C(6) should not be included. The impenetrable language of Article 44C(6) reinforces us in that view.

- 8.161 In Article 44C(8) the meaning of 'jetty reinstatement works' and 'site preparation reinstatement works' is explained by reference to definitions given in the HEO Supplemental Agreement. The Fairfield Estate argues that these definitions should be included within the DCO, rather than by cross-reference to another document (REP115, para 4.22). However, in our view, the definitions do not clarify the meaning of either paragraph 4.1 of the First Schedule to the HEO Supplemental Agreement or Article 44C(6) of the draft DCO. If Article 44C(6) is to be deleted, as we suggest, then the definitions of 'jetty reinstatement works' and 'site preparation reinstatement works' in Article 44C(8) would serve no purpose. They should also be deleted.

Article 45 – Incorporation of the Harbours, Docks and Piers Clauses Act 1847

- 8.162 Article 45 would provide for the incorporation of various sections of the Harbours, Docks and Piers Clauses Act 1847 into the DCO. The Fairfield Estate points out that the sections to be incorporated would differ from those incorporated into the HEO, in accordance with Article 3(1) of that instrument (PD090).
- 8.163 The reason for this is evidently that the HEO was drafted before the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 was applicable. Therefore, Article 3(1) of the HEO followed precedents established in other HEOs. Article 45(1) of the DCO follows Harbour Model Provision 2(1) as set out in Schedule 3 of the 2009 Order. Where it departs from this model, an explanation is given in the Explanatory Memorandum submitted with the application for development consent (APP279). It differs from Article 3(1) of the HEO in a number of respects. Nevertheless, we see no reason to suggest that it be amended.
- 8.164 Trinity House draws attention to the fact that it is usual for s102 of the 1847 Act to be incorporated into Orders of this sort (RREP980). However, it would not be incorporated into Article 45(1) of the draft DCO. Nevertheless, we consider that the need to incorporate s102 of the 1847 Act would be obviated by Article 96 of the draft DCO, which provides a saving for Trinity House.
- 8.165 In Article 45(1) of the Applicant's final draft DCO, there is an extraneous comma after the figure '99'. This is clearly a

typographical error and should be deleted. Otherwise, we see no reason for the further modification of Article 45 as shown in the Applicant's final draft DCO.

Article 46B – Further powers as to works and extinguishment of rights

- 8.166 A new Article 46B has been introduced into the Applicant's final draft DCO. It would confer a power to extinguish rights of access over the foreshore and sea area occupied by the proposed jetty works, and reflects Article 6 of the HEO. It is not controversial.

Article 47 – Period for completion of works

- 8.167 Article 47 of the application draft DCO provides that the power to construct the temporary jetty would expire after 10 years, except as regards works that have been substantially started. In its final draft DCO, the Applicant proposes the insertion of additional wording to reflect the content of Article 15 of the HEO, and to provide a saving in respect of the powers necessary to comply with Article 100A of the DCO (which is described as being for 'Closure of the jetty and reinstatement'). The EA correctly point out that Article 100A of the DCO makes no provision for the reinstatement of the site of the jetty. Accordingly, we consider that the words 'and reinstatement' should be deleted from Article 47(3) in the final draft DCO. Otherwise, the proposed alterations are not controversial.

Article 50 – Subsidiary works

- 8.168 The Applicant proposes additional wording to safeguard against interference with telecommunications, as a result of works or equipment maintained or used pursuant to Article 50. It reflects the corresponding provisions in Article 6 of the HEO and is not controversial.

Article 50A – Obstruction of work

- 8.169 The Applicant proposes the introduction of a new Article 50A, which provides that obstruction or interference with the temporary jetty works would constitute an offence. This would correspond with Article 9 of the HEO and we consider it acceptable.

Article 64 – Approval of tidal works

- 8.170 In the application draft DCO, Article 64 would provide for certain tidal works to be authorised by the Secretary of State. The Applicant now proposes the deletion of this Article, as it would duplicate the provisions of the Marine and Coastal Access Act 2009. We consider this appropriate.

Article 67A – Application of permitted development rights

8.171 The Fairfield Estate argues for the introduction of a new Article 67A into the DCO (REP115, para 4.24). This would mirror Article 17(5) of the HEO, which confirms that any permitted development rights arising from development carried out under the HEO would cease to apply after the closure of the proposed harbour. However, the permitted development rights conferred by Article 3 and Part 11 of the Town and Country Planning (General Permitted Development) Order 1995 in respect of development authorised by an HEO would not apply to development authorised by a DCO. Nevertheless, the statutory undertakers responsible for the proposed nuclear power station would continue to enjoy certain permitted development rights by virtue of Article 3 and Part 17 of the 1995 Order. We see no reason generally to interfere with those rights.

Article 70 – Rights to lease etc

8.172 The Applicant proposes the introduction of new paragraphs (3) and (4) into Article 70 of the DCO to reflect provisions of Article 29 of the HEO, which were inserted in response to representations made by the Fairfield Estate. The effect of the proposed amendments would be to make it clear that any person granted a right to use or occupy the proposed harbour would be subject to the same restrictions, liabilities and obligations as would be imposed on the Applicant by the DCO, or by any agreement or undertaking. We consider them to be acceptable.

Article 97A – Application and termination of permitted development rights

8.173 The Applicant proposes a new Article 97A in its final draft DCO. Paragraphs (1) and (2) of this article correspond to paragraphs (3) and (4) of Article 17 of the HEO, which were inserted in response to representations made by the EA and the Fairfield Estate. They would restrict the Applicant's permitted development rights as a harbour authority, so as to exclude the erection of certain buildings and the use of land for the spreading of dredged material.

8.174 Paragraph (3) of Article 97A responds to representations made by the Fairfield Estate. It would have the effect of ensuring that any development within the harbour limits carried out pursuant to Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 would be subject to the requirements contained in Schedule 11 of the DCO.

8.175 Paragraph (4) of Article 97A has been introduced to reflect the provisions of Article 17 of the HEO concerning the cessation of permitted development rights on the closure of the proposed jetty. Article 100A of the DCO makes no provision for the reinstatement

of the site of the jetty. Accordingly, we consider that the words 'and reinstatement' should be deleted from Article 97A(4) in the final draft DCO. Otherwise, we consider Article 97A to be acceptable as proposed.

Article 97B – For the protection of the Environment Agency (Part 2)

- 8.176 The Applicant proposes the introduction of a new Article 97B in its final draft DCO. This partly replicates Article 38 of the HEO, which responded to representations made by the EA. The effect of Article 97B of the DCO would be to limit the elevation of parts of the proposed jetty. It omits reference to certain onshore works that are expressly covered by Article 38 of the HEO. These onshore works are not detailed proposals of the DCO, but may constitute permitted development falling within Class A of Part 4 of the Town and Country Planning (General Permitted Development) Order 1995.

Article 100A – Closure of jetty

- 8.177 New Article 100A would provide for the physical dismantling and removal of the temporary jetty when it is no longer required, or in any event no later than 31 December 2025 (or such later date as may be allowed by the Secretary of State). Exceptions are made for works at the level of, or beneath, the sea bed; and for works at or below ground level, including hard-standings.
- 8.178 The Fairfield Estate (REP115) and the EA (REP108) argue that Article 100A of the DCO should replicate the provisions of Article 39 of the approved HEO. However, we can see no good reason why there should be congruence between these two provisions, which deal with different circumstances. The HEO authorises construction of a standalone jetty with various ancillary structures on shore. Article 39 makes provision for the eventual closure of the jetty and the reinstatement of its site, including the onshore area.
- 8.179 The DCO would authorise the construction of a nuclear power station, served by a temporary jetty (and other associated development). Temporary onshore buildings or structures, adjacent to the jetty but within the application site for the power station, would be needed for the construction of the power station, and would therefore constitute permitted development falling within Class A of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.
- 8.180 This permitted development right is subject to the condition that these temporary buildings or structures shall be removed once the construction of the power station has been carried out. Requirement MS16 of the DCO would provide for the landscape restoration of their sites at that time. There is no reason why

Article 100A of the DCO should necessarily follow Article 39 of the HEO in requiring the reinstatement of the onshore area when the jetty closes.

- 8.181 The Fairfield Estate draws attention to the fact that the HEO makes no provision for the retention of hard-standings, and argues that there is no justification for the DCO to depart from that approach (REP115, para 4.26). The EA argue that Article 100A should provide for the reinstatement of the jetty site, including the intertidal area, in the same way as Article 39 of the HEO (REP108).
- 8.182 The proposed hard-standings would be within the site of Work 1A (ie the main power station site) as authorised by the DCO. They might be needed as platforms for work to be undertaken in connection with the construction of the power station. We do not consider that it would be sensible to insist on the removal of these structures when the jetty is dismantled. The land which they would occupy falls within the proposed Landscape Restoration Area, and its ultimate reinstatement would be governed by DCO Requirement MS16. We do not consider that it would be practicable or efficient to insist on the restoration of the onshore part of the jetty site while construction work on the power station continues.
- 8.183 No provision is made in the draft DCO for the reinstatement of that part of the intertidal area which would be occupied by the temporary jetty. The Applicant takes the view that this would be dealt with by paragraph 46 of the HEO Bilateral Agreement (insofar as that paragraph is not proposed for abrogation in accordance with Article 44C(6) of the draft DCO).
- 8.184 However, although paragraph 46 of the HEO Bilateral Agreement provides for the reinstatement of the onshore area, it makes no specific provision for the reinstatement of the intertidal area. Paragraph 46(6) would require details of the location and depth of buried structures above mean low water; the levels at which piles would be cut off; and the materials to be used to cover voids that would be left following the removal of piles from the foreshore. But it does not provide for any programme of reinstatement in the intertidal area. We consider that a DCO requirement should make explicit provision for the reinstatement of any land that would be scarred by temporary works that it authorises (see Appendix C, para 194).
- 8.185 The Applicant has suggested that an additional requirement could be added in Schedule 11 of the DCO, to provide for the reinstatement of the intertidal area, in the event that the Secretary of State decides to abrogate the whole of paragraph 46 of the HEO Bilateral Agreement. As previously indicated, we do not favour the abrogation of any part of the HEO Bilateral Agreement. But we see merit in the inclusion of an additional Requirement J-3

in Schedule 11 of the DCO, to provide for the reinstatement of the intertidal area. This is considered further in Appendix C, paragraph 194.

Article 100B – Saving for termination of Part 2

- 8.186 New Article 100B would provide that any proceedings in respect of matters begun before Part 2 of the DCO ceased to have effect would continue seamlessly after that time. That seems to us to be unexceptionable.

Other proposed alterations to Part 2 of the draft DCO

- 8.187 The Applicant proposes a number of other alterations to Part 2 of the draft DCO, either to reflect the wording of corresponding provisions in the HEO, for clarification, or to address minor points raised during the examination. We accept that Part 2 of the DCO should be consistent with the HEO, unless there is good reason for a different approach to be adopted. We also favour clarification and agreed amendments, to deal with minor issues raised by interested parties. We conclude that if development consent is to be granted, Part 2 of the Applicant's final draft should be included in the DCO, with the exception of Article 44C(6), though Articles 44C(8), 47 and 97A should be amended as described above.

Schedules to the DCO

- 8.188 The Applicant proposes only limited and minor changes and corrections to Schedules 1 to 10 and 12 of the draft DCO, save for the insertion of new Schedule 9A (introduced by Article 18(1A)). We do not consider any further modifications to these schedules to be necessary.
- 8.189 Schedule 11 of the DCO sets out the requirements to which the Order would be subject. A number of these are controversial. Interested parties seek numerous amendments to the requirements proposed by the Applicant, and suggest that additional requirements should be inserted. We discuss these matters in Appendix C, setting out our reasoned conclusions on each of the requirements suggested by the Applicant and other interested parties.
- 8.190 Schedule 13 of the draft DCO lists conditions of the site preparation permission and the corresponding DCO requirements, for the purposes of Article 2A(5) of the DCO. Matters approved by WSC pursuant to the listed conditions, before the 'transitional date', would be deemed to be approved for the purposes of the corresponding DCO requirement.
- 8.191 Condition G36 (Requirement P10 – Information dissemination and complaint handling) and Condition G38 (Requirement P14 – Previously unidentified contamination) appear in Schedule 13 of the application draft DCO, but have been excised from the

Applicant's final draft, as they cover matters that are now proposed to be dealt with by project-wide requirements. We consider this to be appropriate. We also consider that Conditions FP5 (Air quality monitoring), FP6 (Noise and vibration monitoring) and SP16 (Groundwater monitoring) should also be deleted from Schedule 13. In each of these cases, we have concluded that the corresponding requirements should deal with the whole of the construction period, not just with the site preparation works. Otherwise, we consider the Applicant's final draft of Schedule 13 to be acceptable.

- 8.192 Schedule 14 of the draft DCO is considered in paragraphs 8.103 et seq above. Schedule 15 is discussed in paragraph 8.117 above.

Planning and Development Consent Obligations

- 8.193 In addition to the provisions of the DCO, including the Schedule 11 requirements, the impact of the proposed development would be mitigated by planning and development consent obligations contained in two agreements made under s106 of the Town and Country Planning Act 1990. The site preparation s106 agreement (PD025 & PD026) was entered into on 27 January 2012, prior to planning permission being granted for the site preparation works. However, the planning obligations that it contains do not relate solely to the site preparation works, but are also designed to facilitate the delivery of the whole of the proposed project, by providing for 'advance mitigation' where appropriate.
- 8.194 The second agreement (PD112) dated 30 August 2012, contains the development consent obligations. These are additional to the planning obligations contained in the first agreement, so the two agreements should be considered together. Their contents are helpfully summarised in an explanatory note issued by the Applicant (PD109) and require no further analysis here. We consider that the two agreements should be taken into account as being material to the determination of the application for development consent.
- 8.195 The SCC, WSC and SDC are generally satisfied with the package of mitigation measures contained in the DCO and the two agreements. Although they are not party to either agreement, North Somerset Council and Taunton Deane Borough Council are content that issues which they have raised have now been addressed. However, a number of interested parties seek variations in the terms of the development consent obligations.

Objections to the development consent obligations

- 8.196 The Avon and Somerset Constabulary considers that the Applicant should make a financial contribution towards the cost of policing protests or demonstrations arising as a result of the proposed nuclear power station development (REP131). We accept that such

events may well occur, although we are unable to estimate their likely frequency, duration or scale, or the additional demands that controlling them would place on police resources. We recognise that they could cause those resources to be stretched, thereby affecting the level of service provided by the police in other parts of their area. Nevertheless, we are not persuaded that the cost of policing protests and demonstrations should be met by the Applicant, rather than by the public purse.

- 8.197 The Stockland Bristol Parish Meeting (REP124) considers that the Applicant should provide it with 'ring fenced' money, so as to mitigate disturbance to the parishioners' quality of life. The Parish Meeting points out that the development consent obligations commit £500,000 to the Otterhampton Parish Council for such purposes. However, we have seen no evidence to suggest that the impact of the proposed development on the Parish of Stockland Bristol would be equivalent to its impact on the Parish of Otterhampton, which includes Comwich.
- 8.198 In any event, the development consent obligations result from negotiations between the Applicant and relevant local authorities and are entirely voluntary. The Applicant could not be required to make financial contributions to the police, to Stockland Bristol Parish Meeting or to anybody else as a condition of obtaining development consent. We do not consider that the absence of such financial contributions should tell against development consent being granted.
- 8.199 Bridgwater Town Council seeks membership of the Socio-Economic Advisory Group, for which provision is made under Part 3 of Schedule 14 of the development consent obligations (REP125). However, the DCO s106 Agreement is now signed and sealed. It is not open to modification, other than with the consent of the signatory parties. We do not consider that the Town Council's absence from the Socio-Economic Advisory Group should preclude the grant of development consent.
- 8.200 Ms Cecily Collingridge (REP112) has a number of detailed criticisms of the DCO s106 Agreement. She refers particularly to Clause 15, which deals with 'Communications'. She objects to the Applicant being entitled to include information in future communications, without the need for the approval of other parties to the agreement. She objects to the Applicant being entitled to acknowledgement for having funded works or benefits through contributions secured by means of the agreement. And she objects to the Applicant being entitled to display its branding images or logos on literature or signage relating to such works or benefits. She asserts that the exercise of such entitlements would be offensive and provocative, and would result in defacement or damage to property. However, we see no reason why the Applicant should be prevented from publicising its activities.

- 8.201 With reference to Schedule 2 of the DCO s106 Agreement, Ms Collingridge regards the proposed £12.8 million Community Fund as derisory. She objects to the composition of the 12-member Panel that would be established to administer this fund, arguing against the inclusion of representatives of the Applicant and the three Councils. She contends that the Panel's composition should guarantee equality of representation between the sexes. However, we do not consider the size of the proposed Community Fund, or the proposed machinery for its administration, to be inadequate.
- 8.202 With regard to Schedule 3 of the same s106 Agreement, Ms Collingridge considers that the Applicant should pay for more than one Community Safety Officer. However, the agreement provides for financial contributions towards the cost of Parish Liaison and Community Safety Officer(s) to be employed by the WSC and SDC, as well as a Community Safety Officer to be employed by Somerset County Council and another by the Devon and Somerset Fire and Rescue Service.
- 8.203 With regard to Part 8 of Schedule 11 of the s106 Agreement, Ms Collingridge considers that the delivery of bulk materials to the Hinkley Point C development site should be monitored (and reported on) each month, rather than annually; and that the Applicant should incur severe financial penalties if more than 20% of these materials are delivered by road. However, we have no reason to doubt the Applicant's good faith in seeking to maximise the seaborne delivery of bulk materials via the proposed jetty.
- 8.204 With regard to Schedule 13 of the DCO s106 Agreement, Ms Collingridge considers that the Applicant should pay for a female Gender Equality Officer, to ensure that women's interests are upheld. In our view, the proposed development would undoubtedly have both benefits and costs for local people. However, we have seen no evidence to suggest that this project would have a differential impact as between females and males, or have a particular adverse effect on women's interests.
- 8.205 The Fairfield Estate (REP115) points out that in accordance with Clause 3.1.2 of the DCO s106 Agreement, many of the development consent obligations would not become effective until the 'transitional date' (ie the date on which the Applicant would serve notice under Article 2A(1) of the DCO). The Estate is concerned that it would be open to the Applicant to delay this date until after the works authorised by the site preparation permission and the Harbour Empowerment Order had been completed, thereby avoiding relevant mitigation for those works. However, we consider that adequate mitigation for the adverse effects of the works in question is contained in existing planning conditions and obligations.
- 8.206 The Fairfield Estate is concerned that Clause 4.1 of the DCO s106 Agreement implies that the development consent obligations

would not be binding on the Applicant's successors in title. We do not consider this to be the case, particularly in view of s106(3) of the 1990 Act and Article 5(3) of the DCO.

- 8.207 Clause 7.1 of the DCO s106 Agreement provides that the development consent obligations would not prevent the use or development of the site in accordance with a certificate of lawful use, a planning permission, or various other statutory authorisations. The Fairfield Estate is concerned that this could have the effect of negating certain of the mitigation measures secured by the agreement. However, the Estate does not identify any particular obligation that might be negated in this way.
- 8.208 The Construction Workforce Travel Plan, which is secured through Schedule 11 of the DCO s106 Agreement, provides that buses conveying construction workers to or from Stogursey would be no larger than 15-seaters. The Fairfield Estate considers that this restriction should apply in other rural settlements such as Burton and Shurton. However, although other rural settlements are not specified, the intention of the restriction is to ensure successful navigation of narrow country roads. In practice, we consider it most unlikely that the Applicant would route larger buses through settlements such as Burton or Shurton.
- 8.209 The Fairfield Estate considers the phasing obligations in Schedule 11 of the second DCO s106 Agreement to be inadequate. We deal with this matter in our analysis of Requirement PW2 in Appendix C to this report.
- 8.210 Cllr L Redman has expressed concern that Schedule 9 of the DCO s106 Agreement indicates that the Applicant would be entitled to remove the existing playing fields at the Bridgwater Sports and Social Club once such transitional arrangements as may be approved by SDC have been provided (REP117). However, this provision of the s106 Agreement would not relieve the Applicant from any duty to comply with proposed Requirement BRIA22, if this is included in the DCO.

Conclusion

- 8.211 Subject to the modifications proposed above and in Appendix C, we consider the draft DCO to be acceptable. We also consider that the measures contained in the planning and development consent obligations secured by the two s106 agreements would provide substantial mitigation for the adverse effects of the proposed development. We conclude that the DCO should be made as shown in Appendix D (which highlights our proposed changes to the Applicant's final draft DCO).

9 OVERALL CONCLUSIONS AND RECOMMENDATION

Overall Conclusions

- 9.1 In coming to our overall conclusions, we have had regard to the matters listed in s104(2) of the Planning Act 2008 (the Act).
- 9.2 We conclude for the reasons set out above that the proposal would accord with NPS EN-1 and NPS EN-6. Section 104(3) of the Act requires that the application must be decided in accordance with any relevant NPS, unless one or more of the exceptions in s104(4) to (8) applies.
- 9.3 We have considered the application against the test set by s104(7) of the Act. We conclude, for the reasons stated in this report, that the adverse impacts of the proposed development would not outweigh its benefits.
- 9.4 As to the other exceptions referred to in s104, we find no reason to suppose that deciding the application in accordance with the relevant NPSs would either:
- Lead to the United Kingdom being in breach of its international obligations.
 - Lead to the Secretary of State being in breach of any duty imposed on the Secretary of State by or under any enactment.
 - Be otherwise unlawful by virtue of any enactment.
- 9.5 We have further considered the effect the proposal would have on all potentially affected European sites and Ramsar sites. The Habitats Regulations Assessment (HRA) is a matter for the Secretary of State as the Competent Authority for the proposal. We consider that an Appropriate Assessment would be required and that the examination has provided sufficient information for this to be carried out. The Applicant has reached agreement with Natural England, the Environment Agency, the Marine Management Organisation and the Countryside Council for Wales that, subject to appropriate requirements, the integrity of none of the sites would be adversely affected. We have found no reason to disagree, provided the requirements that we recommend are attached to any DCO that the Secretary of State is minded to make.
- 9.6 We have also considered the request for powers of compulsory acquisition to be included in any DCO that is made and conclude that there is a compelling case in the public interest for the grant of the compulsory acquisition powers sought by the Applicant in respect of the CA Land shown on the Land Plans (as amended).

Recommendation

- 9.7 Given our conclusions on the merits of the case for the development proposed and the compulsory acquisition of land and rights, we recommend that an Order granting development consent should be made in the form annexed to this report at Appendix D.
- 9.8 In reaching our conclusion that development consent should be granted, we have taken into account all other matters raised in the representations. However, we found no relevant matters of such importance that they would individually or collectively lead us to a different recommendation to that above.

Frances Fernandes

Frances Fernandes

Michael Hurley

Michael Hurley

Emrys Parry

Emrys Parry

Andrew Phillipson

Andrew Phillipson

Lorna Walker

Lorna Walker

APPENDIX A - THE EXAMINATION

The following list contains the main 'events' that occurred during the examination and the main procedural decisions taken by the Panel.

Date (2012)	Examination event
21 March	<ul style="list-style-type: none"> ▪ Preliminary meeting held at the Sedgemoor Auction Centre, North Petherton. ▪ Start of examination. ▪ Request by District Councils to extend the deadline to complete the examination. ▪ Request made by the Applicant for the Panel to consider amendments to the application.
23 March	Panel make a request for further information under Rule 17 to SDC and WSC in respect of their request for the Chair of the IPC to extend the deadline to complete the examination.
27 March	Procedural decision issued (Rule 8 of the Infrastructure Planning (Examination Procedure) Rules 2010 and the Panel's first written questions.
30 March	<ul style="list-style-type: none"> ▪ Chair of the IPC writes to SDC and WSC to inform them of his decision not to extend the deadline for completing the examination. ▪ Applicant submits proposed changes to the application, addenda, errata and additional information.
1 April	Functions of the IPC are transferred to the Planning Inspectorate (National Infrastructure Directorate) as a result of the amendments to the Planning Act 2008 made by the Localism Act 2011.
4 April	Request for further information made by the Panel under Rule 17 to WSC for a copy of the Preliminary Works Planning Permission, including conditions and any related s106 Planning Agreement.
11 April	<ul style="list-style-type: none"> ▪ Michael Hurley appointed to the Panel by the Secretary of State. ▪ Accompanied (familiarisation) site inspections by the Panel to the main site.
12 April	Accompanied (familiarisation) site inspections by the Panel to the associated development sites.
24 April	<ul style="list-style-type: none"> ▪ Deadline for responses to the Panel's first written questions.

- Panel issues a procedural decision informing interested parties that they intend to accept the proposed changes to the application, addenda, errata and additional information submitted by the Applicant.
 - Panel issues a correction to the procedural decision issued on 27 March.

- 30 April** Rule 17 request to SDC for a copy of the planning permissions granted by Sedgemoor District Council and any related s106 Planning Agreements in respect of:
 - North East Bridgwater, former Innovia/British Cellophane site.
 - The Steart Peninsula Project.

- 3 May** Deadline for receipt of:
 - Local Impact Reports
 - Statements of Common Ground
 - Written Representations.

- 9 May** First open-floor hearing held at Bridgwater College Cannington Campus, Cannington.

- 10 May** Second open-floor hearing at Otterhampton Village Hall, Combwich.

- 16 May** Third open-floor hearing at Bridgwater Town Hall, Bridgwater.

- 17 May** Fourth open-floor hearing at Victory Hall, Stogursey.

- 18 May** Rule 17 request to Applicant to provide answers to questions about Compulsory Acquisition, draft DCO Article 33A and draft Article 33B.

- 31 May** Deadline for comments on:
 - Local Impact Reports
 - Relevant Representations
 - Written Representations
 - Responses to Panel's first questions.

- 8 June** Panel issue a procedural decision inviting interested parties to comment on the following documents:
 - Revised joint Councils' Local Impact Report
 - Updated draft DCO (including requirements), the Mitigation Route Map and Code of Construction Practice
 - Applicant's response to Panel's letter dated 18 May 2012 in which the Panel asked several questions relating to compulsory acquisition and other matters.

14 June	Panel issues further written questions to interested parties.
26 & 27 June	First issue-specific hearing on the DCO and mitigation measures (as secured by requirements/s106 etc) at The Exchange, Express Park, Bridgwater.
9 July	Deadline for receipt of: <ul style="list-style-type: none">▪ Responses to Panel's further written questions from interested parties.▪ Requests by interested parties for further open-floor hearings.▪ Requests by Affected Persons for a compulsory acquisition hearing.
16 July	Notification by the Panel of dates for additional issue-specific hearings.
17 & 18 July	Second issue-specific hearing on the DCO and mitigation measures (as secured by requirements/s106 etc) at The Exchange, Express Park, Bridgwater.
23 July	Panel issue a procedural decision setting out a timetable for the submission and finalisation of a s106 Planning Obligation.
26 July	Panel issue a request for further information, asking for comments from interested parties by 17 August on various MMO documents and on the Report on the Implications for European Sites (RIES) compiled by the Planning Inspectorate secretariat. Interested parties were also notified of an open-floor hearing to be held on 6 September.
6 August	Deadline for comments on responses to Panel's further written questions from interested parties.
14 August	Third issue-specific hearing on the DCO and mitigation measures (as secured by requirements/s106 etc) at Bridgwater and Albion Rugby Club, Bridgwater.
21 August	<ul style="list-style-type: none">▪ Issue-specific hearing on socio-economic matters at Bridgwater and Albion Rugby Club, Bridgwater.▪ Interested parties notified about a forthcoming opportunity to comment on the Final Form Development Consent Order (DCO) and signed Planning Obligation.▪ Interested parties notified of the date, time and departure point of the accompanied site inspection on 12 September.▪ Deadline for the Applicant to provide a consolidated final form obligation with technical revisions.

- 22 August** Issue-specific hearing on transport and transportation matters at Bridgwater and Albion Rugby Club, Bridgwater.
- 23 August** Issue-specific hearing on Habitats Regulations Assessment (HRA) matters and ecology at Bridgwater and Albion Rugby Club, Bridgwater.
- 24 August** Issue-specific hearing on Combwich at Bridgwater and Albion Rugby Club, Bridgwater.
- 29 August** Compulsory acquisition hearing at The Exchange, Express Park, Bridgwater.
- 30 August** Rule 17 request to Applicant to respond to questions about the temporary jetty.
- 31 August** Procedural decision issued by the Panel inviting interested parties to comment on:
- the Final Form DCO (as proposed by the Applicant).
 - Planning Agreement (engrossed version), annexes and plans.
 - Response by the Applicant to issues raised at the issue-specific hearings 21 to 24 August.
- 3 September** Rule 17 request to Applicant to respond to questions about Article 45 of the draft DCO.
- 6 September** Fifth open-floor hearing at The Exchange, Express Park, Bridgwater.
- 7 September** Deadline for the receipt of comments from interested parties to the Final Form DCO and Planning Agreement (engrossed version).
- 10 September** Rule 17 request to WSC, SCC, Stogursey Parish Council, Fairfield Estate, the MMO, the EA and NE inviting them to comment on the Applicant's responses to the Rule 17 requests made on 30 August and 3 September.
- 12 September**
- Accompanied site inspection by the Panel.
 - Rule 17 request to Applicant to provide a copy of the Combined Heat and Power Study, referred to in the Sustainability Statement.
- 14 September**
- Deadline for the Applicant to respond to the comments from interested parties on the final form DCO and Planning Agreement (engrossed version).
 - Rule 17 request to the Applicant, the EA and NE in relation to Article 33(c) of the draft DCO.

21 September Notification from the Panel to interested parties of the completion of the examination (Planning Act 2008, s99).

APPENDIX B - EXAMINATION LIBRARY

This examination library contains a list of representations and documents that were submitted during the examination of the application and put before the Panel. Each entry has a unique reference and a link to the document on the Planning Inspectorate website.

To aid navigation the submissions have been listed under sub-headings relating to events that occurred between the submission of the application and the end of the examination. Some submissions contain information relevant to more than one event and sub-heading. Where this is the case they have only been listed once.

Readers should therefore be aware that in the instances noted above, each sub-category may not contain a comprehensive list of every submission made in relation to that particular event and that other relevant submissions may be listed under another sub heading.

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Document Type	Reference
Application Documents	APPxxx
Procedural Decisions	PDECxxx
Relevant Representations	RREPxxxx
Written Representations	WREPxxx
Representations	REPxxxx
Project Documents	PDxxx
Hearing & Site Inspection Documents	HExxx
Key Correspondence	CORxx

APPLICATION DOCUMENTS

Application Form and Associated Documents

- APP001 [1.1 List of Application Documents](#)
- APP002 [1.2 Application Form](#)
- APP003 [1.3 Copies of newspapers notices](#)
- APP004 [1.4 Navigation Document](#)
- APP005 [1.5 Glossary](#)

Plans – Drawings for Determination

- APP006 [2.1 Land Plans](#)
- APP007 [2.2 Work Plans](#)
- APP008 [2.3 Rights of Way Plans](#)
- APP009 [2.4 Ancillary Office and Storage](#)
- APP010 [2.4 Conventional Island - Unit 1](#)
- APP011 [2.4 Conventional Island - Unit 2](#)
- APP012 [2.4 Cooling Water Pumphouse and Associated Buildings - Unit 1](#)
- APP013 [2.4 Cooling Water Pumphouse and Associated Buildings - Unit 2](#)
- APP014 [2.4 Drawing Symbology Terminology and Conventions - Technical Sheet](#)
- APP015 [2.4 Fuel Waste and Storage](#)
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Draft Development Consent Order

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APP279	5.3 Explanatory Memorandum

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- APP282** [6.3 Book of Reference \(Parts 1 to 5\)](#)

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- APP283** [7.1 Grid Connection Statement](#)
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- APP287** [8.4 Bridgwater A Design and Access Statement](#)
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- APP302** [Addendum to the Environmental Statement](#)
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- APP304** [Cover Letter to Addenda - Plans and Associated Schedules](#)
- APP305** [Part 1 Schedule of Application Documents and Reference Documents](#)
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- PDEC02 [Section 55 Acceptance of Application Checklist](#)
- PDEC03 [Rule 4 and 6 Letters](#)
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- PDEC05 [Rule 8 Letter](#)
- PDEC06 [Rule 4 Letter - Michael Hurley appointment](#)
- PDEC07 [Procedural Decision Correction re Rule 8 Letter](#)
- PDEC08 [Proposed Changes to the Application, Addenda, Errata and Additional Information](#)
- PDEC09 [Invitation to Comment on Revised Docs and New Material](#)
- PDEC10 Unallocated Reference
- PDEC11 [Panel's 2nd Written Questions Cover Letter](#)
- PDEC12 [Panel's 2nd Written Questions \(Annex to letter\)](#)
- PDEC13 [Notification for ISH 14.08.12 & Accepted Other Submissions](#)
- PDEC14 [Notification for additional Issue Specific Hearings in August](#)
- PDEC15 [Notification to Affected Persons of Compulsory Acquisition Hearings](#)
- PDEC16 [Timetable for Submission and Finalisation of Planning Obligation](#)
- PDEC17 Unallocated Reference
- PDEC18 [Invitation to comment on Final Form DCO Planning Obligation and Site Inspection Notification](#)
- PDEC19 [Invitation to comment on DCO and engrossed planning obligation \(s106\)](#)
- PDEC20 [Notification of the Close of Examination](#)

Rule 17 Requests

- PDEC21 [Request to West Somerset Council for a copy of the Preliminary Works Planning Permission](#)
- PDEC22 [Request following Issue Specific Hearing on 17 July](#)
- PDEC23 [Request by the Panel to EDF re Compulsory Acquisition and other issues](#)
- PDEC24 [Request by the Panel for further information from the applicant about Compulsory Acquisition matters](#)
- PDEC25 [Request by the Panel for further information from the applicant about the temporary jetty](#)
- PDEC26 [Notification to Interested Parties re Open Floor Hearing 06.09.12 & Requests for Further Information by the Panel](#)
- PDEC27 [Invitation for Interested Parties to comment on two Rule 17 requests](#)
- PDEC28 [Requesting a copy of the CHP study from EDF Energy](#)
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- PDEC30 [Request to the applicant for further information re DCO Article 45](#)
- PDEC31 Unallocated Reference
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- PDEC33 [Request to SDC for a copy of the NE Bridgwater and Steart Peninsula planning permissions](#)

Rule 18 Requests

- PDEC34 [Request to the Councils for additional copies of the Local Impact Report](#)
- PDEC35 [Request to EDF for additional copies of some application documents](#)

RELEVANT REPRESENTATIONS

RREP001	10013364	Marion Oerton
RREP002	10013365	Richard Oerton
RREP003	10013366	PCAH (Parents Concerned About Hinkley) - Jo Brown
RREP004	10013368	Sue Flint
RREP005	10013369	Mark Jackson
RREP006	10013370	Iren Gill
RREP007	10013371	Brian Jones
RREP008	10013374	David L Preece
RREP009	10013375	Keith Hiscocks
RREP010	10013376	John Harrison
RREP011	10013379	Peter Malim OBE
RREP012	10013382	Fabian Frenzel
RREP013	10013383	Peter Cook
RREP014	10013384	Alex Reed
RREP015	10013385	Rose E Reed
RREP016	10013387	Peter Farmery
RREP017	10013388	David Landy
RREP018	10013389	Upton Parish Council - Ms P Purvis
RREP019	10013390	Dr David W Temple
RREP020	10013391	Ian Liddell-Grainger MP
RREP021	10013392	Mr V E Goss
RREP022	10013397	Road Haulage Association - M Moore
RREP023	10013398	Lesley J D Flash
RREP024	10013399	Stockland-Bristol Parish Meeting - Mr Michael Caswell
RREP025	10013400	Mr Michael Caswell
RREP026	10013401	John Busby
RREP027	10013402	John Roberts
RREP028	10013403	Valerie Bannister
RREP029	10013404	Richard Rivans
RREP030	10013405	Val Williams
RREP031	10013407	Sam Henson
RREP032	10013408	Michael Solomon
RREP033	10013410	Wembdon Parish Council - Mr Owen Cullwick
RREP034	10013411	Bill Revans
RREP035	10013415	Anthony J Bullen
RREP036	10013416	North Petherton Town Council - K Wassell
RREP037	10013417	Ronald Allen
RREP038	10013418	mc2 Energizing Business - Candida Whitmill
RREP039	10013420	Williton Parish Council - Judith Johnson-Smith
RREP040	10013421	Rob Spier
RREP041	10013423	Mrs D A Hills
RREP042	10013424	Robert Munday
RREP043	10013426	Darren Walsh
RREP044	10013427	Cannington Parish Council - Maurice Locke
RREP045	10013428	Maurice J Locke
RREP046	10013429	Michael John Short
RREP047	10013430	Teresa Dane
RREP048	10013436	Linda Allen
RREP049	10013437	Maureen Webb
RREP050	10013438	Thomas James Boyd
RREP051	10013439	Combwich Action Group - Stephen Chinn
RREP052	10013440	Dr G L Parle
RREP053	10013441	Stephen Chinn

RREP054	10013442	Greg Taylor
RREP055	10013443	Fells Associates - Professor Ian Fells
RREP056	10013445	Sheila Allen
RREP057	10013447	Dr Rachel Western BA (Oxon) PhD MRSC
RREP058	10013448	Margaret Boyd
RREP059	10013449	Peg Beecher
RREP060	10013455	Graham Webster
RREP061	10013456	Patricia Anne Webster
RREP062	10013458	Burnham Water Users Forum - Peter Nicolson
RREP063	10013459	Mrs Kerry Trout
RREP064	10013460	Mrs Freda Draper
RREP065	10013461	John Cullum
RREP066	10013462	Mr Geoffrey Maurice Draper
RREP067	10013463	Zoe Smith
RREP068	10013464	Sue Baxter
RREP069	10013465	The Langdon Partnership - Chris Langdon
RREP070	10013466	Mrs Alison Graham
RREP071	10013467	John Vieth
RREP072	10013470	Nuclear Free Local Authorities - Sean Morris
RREP073	10013471	Rosemary Woods
RREP074	10013472	A D Taylor
RREP075	10013473	Danny Watkins
RREP076	10013474	Somerset Chamber of Commerce & Industry Ltd - Rupert Cox
RREP077	10013475	Chris Squires
RREP078	10013476	Mick Franks
RREP079	10013477	Reverend Geraldine Kirk
RREP080	10013478	Elliott Webster
RREP081	10013479	Parish Councillor Valerie Bannister
RREP082	10013481	Hadee Engineering Co. Ltd. - Mr Brian King
RREP083	10013482	Alan Ladd
RREP084	10013483	Bay Systems Ltd. - alen John Bennetts
RREP085	10013487	Miss Jane Somerset
RREP086	10013488	Eleanor Lakew
RREP087	10013489	Mr Andy Riggs
RREP088	10013490	Charles Gee Bridgwater Ltd - Martin Barnes
RREP089	10013491	Richard Curtis
RREP090	10013492	Over Stowey Parish Council - Teresa Dane
RREP091	10013493	Martin Barnes
RREP092	10013494	Impact Design & Advertising Ltd T/A Impact Design & Marketing - Gary Bee
RREP093	10013496	Andrew Farkas
RREP094	10013497	Blackwater Against New Nuclear Group (BANNG) - Professor Andrew Blowers
RREP095	10013498	Alan Davey
RREP096	10013500	WYG Engineering - Peter Harris
RREP097	10013501	Mr R Hancock
RREP098	10013503	KGA Project Management Ltd - Kenneth G Allan
RREP099	10013504	Jay Tayler-Webb
RREP100	10013506	Lucy Lant
RREP101	10013507	Peter Hull
RREP102	10013508	Mrs Julie Pay
RREP103	10013510	David Pay
RREP104	10013511	Robin Child
RREP105	10013514	Ross Edwards
RREP106	10013517	John Lucas
RREP107	10013518	Chilton Trinity Parish Council - John Andrews

RREP108	10013520	Mrs Cynthia Tayler-Webb
RREP109	10013521	Mr Stephen Kilby
RREP110	10013524	David John Richards
RREP111	10013525	Mr Ashley Sinclair
RREP112	10013526	William John Roberts
RREP113	10013529	Michael White
RREP114	10013530	Dilys Franks
RREP115	10013531	Marian White
RREP116	10013532	Gordon Coldwell
RREP117	10013533	Micheal Antony John Flaxman
RREP118	10013536	David Hobbs and Karen Denman
RREP119	10013537	Claire Montague
RREP120	10013538	Peter Montague
RREP121	10013539	Mrs Susan Goss
RREP122	10013540	Andrew Blackmore
RREP123	10013543	Jamie Driver
RREP124	10013544	Kevan Frew
RREP125	10013546	Jeanette Taylor
RREP126	10013547	John Findlay
RREP127	10013554	Stephen Cornwell
RREP128	10013555	Cheryl Hall
RREP129	10013556	Elderwood-Richards
RREP130	10013560	Hinkley Point Cyclists - Gary Perrett
RREP131	10013563	DR Rowland Dye
RREP132	10013564	Aubrey Knowles
RREP133	10013568	West Hinkley Action Group (WHAG) - Lesley Flash
RREP134	10013570	David Fowler
RREP135	10013571	Nigel Robson
RREP136	10013573	Mrs Janet Child
RREP137	10013576	IG Holland
RREP138	10013578	Mark Christie
RREP139	10013579	J Lewis
RREP140	10013580	Scott J Boyd
RREP141	10013581	William Anthiny Bellamy
RREP142	10013582	Cllr Robert Curtis
RREP143	10013583	Sue Flint
RREP144	10013588	Ian Critchley Ltd - Ian Critchley
RREP145	10013589	Mr David Barge
RREP146	10013590	The West Somerset Community College - Marguerite Bowden
RREP147	10013592	Sarah Jansons
RREP148	10013594	Anne Cleveland
RREP149	10013595	Alison Carter
RREP150	10013596	Alona De Havilland
RREP151	10013597	Mags Gooding
RREP152	10013598	Mike Fisher
RREP153	10013599	Mary Bartlett
RREP154	10013600	Stephen Bryant
RREP155	10013601	Jean Kearn
RREP156	10013602	Joanna Jackson
RREP157	10013603	AM Sensors Ltd - Wes Harford
RREP158	10013605	Neil Hannaford
RREP159	10013608	Thomas Boyd
RREP160	10013609	Alan Fergusson
RREP161	10013610	Eileen Matthews
RREP162	10013611	Amanda Collin
RREP163	10013612	Andrew Collin

RREP164	10013615	Miles Richards
RREP165	10013616	Susan Barton
RREP166	10013617	Somerset's Freight Quality Partnership - Ryan Bunce
RREP167	10013618	Susan Warman
RREP168	10013619	Cornna Symons
RREP169	10013620	Roger Anniss
RREP170	10013621	Kilve Parish Council - Shirley Rushent
RREP171	10013624	Amanda Hubbard
RREP172	10013627	Pamela Leaver
RREP173	10013629	D T Donovan
RREP174	10013631	Linda Herbert
RREP175	10013632	Alison Williams
RREP176	10013633	Maureen Carter
RREP177	10013635	Robert Booth
RREP178	10013639	Doreen Bunch
RREP179	10013641	Phil Pearson
RREP180	10013644	Gabriel Carrillo
RREP181	10013646	RJ Lane
RREP182	10013647	Ingrid Hesling Vickery
RREP183	10013648	Caroline Ness
RREP184	10013649	Carol Senior
RREP185	10013653	Frank Thomas
RREP186	10013654	Kathleen Ball
RREP187	10013655	Leanna Swindells
RREP188	10013656	Alan Robinson
RREP189	10013658	Mrs J Ayres
RREP190	10013659	Colin Chapman
RREP191	10013660	Terry Clay
RREP192	10013661	Mrs A Peers
RREP193	10013662	Anne Fletcher
RREP194	10013663	Mr K J Farr
RREP195	10013664	Mrs M Farr
RREP196	10013665	Kalina-Mae Farr
RREP197	10013666	Miss Terri-Sue Farr
RREP198	10013667	Margaret Ann Layton
RREP199	10013669	Stephen John Layton
RREP200	10013670	Mrs Barbara Sanders
RREP201	10013671	Rachel Hills
RREP202	10013674	Timothy Herold
RREP203	10013675	Martin Tucker
RREP204	10013676	Mr Roger John Bennett
RREP205	10013677	Reginald Cottey
RREP206	10013678	J P Putnam
RREP207	10013680	David Wilshire
RREP208	10013682	John Willis
RREP209	10013683	Tessa Howard
RREP210	10013684	Molly Willis
RREP211	10013687	Heidi Morse
RREP212	10013688	Alan Bridger
RREP213	10013690	Lord King of Bridgwater
RREP214	10013691	Reverend Charles Chadwick
RREP215	10013692	Terence Howard
RREP216	10013693	Alan Michael Slade
RREP217	10013694	Jacqueline Wilson
RREP218	10013695	J Chanay
RREP219	10013696	Michael Anthony Speake

RREP220	10013697	Cannington County Council Division - Mr John Edney
RREP221	10013698	Mr A Pauling-Canvin
RREP222	10013700	R W Fowler
RREP223	10013701	David Hughes
RREP224	10013702	Marguerite Webster
RREP225	10013704	Richard Shelton
RREP226	10013706	Colin Flowers
RREP227	10013708	Thomas Hills
RREP228	10013709	D Ayres
RREP229	10013710	Jill Chant
RREP230	10013711	David John Dean
RREP231	10013714	Annie Williams
RREP232	10013715	Barry Lukins
RREP233	10013716	David Williams
RREP234	10013717	J A Searle
RREP235	10013718	Carla Boyd
RREP236	10013719	Christina Wheadon
RREP237	10013720	Martin Weston
RREP238	10013721	L Wheddon
RREP239	10013722	Christine Godfrey
RREP240	10013725	James Bradbury
RREP241	10013726	Michael John Morgan
RREP242	10013727	Peter Gotto
RREP243	10013729	Sheena Coats
RREP244	10013730	James Michael Massey
RREP245	10013731	Susan Hockley
RREP246	10013732	Nick Kirby
RREP247	10013733	Richard Worsley
RREP248	10013734	M Canton
RREP249	10013735	P B Aston
RREP250	10013736	C G Parle
RREP251	10013737	B M Clarke
RREP252	10013738	Ron Cooper
RREP253	10013740	Bernard Valentine-Slack
RREP254	10013741	Andrew McCarthy
RREP255	10013742	Jennifer Caines
RREP256	10013743	Matt Charlesworth
RREP257	10013744	John Lane
RREP258	10013745	Magna West Somerset Housing Association - Mukhtar Ali
RREP259	10013746	Gerald A Mbleton
RREP260	10013747	Selworthy and Minehead Without Parish Council - Derrick Bott
RREP261	10013748	Debbie Welch
RREP262	10013749	Carly Birkett
RREP263	10013750	Mary Reece
RREP264	10013751	The HSQE Department Ltd - Richard Shearwood - Porter
RREP265	10013752	Waverley Hotel - Ian Daniels
RREP266	10013754	Linda Annis
RREP267	10013755	Sarah Blackburn
RREP268	10013758	Lynda Hallett
RREP269	10013759	Dr Peter Branson
RREP270	10013760	A S Clarke
RREP271	10013761	M Staples
RREP272	10013763	William Berrisford

RREP273	10013766	John Smeaton
RREP274	10013767	Spaxton Parish Council - Sue Felstead
RREP275	10013768	Gabrielle Davis
RREP276	10013769	John Vassalli
RREP277	10013770	Thurloxton Parish Council - Helen Walker
RREP278	10013771	Jim Rawe
RREP279	10013772	Lyng Parish Council - Mrs Helen Walker
RREP280	10013773	Siobhan Buckley-Jones
RREP281	10013774	Mrs Barbara Gammon
RREP282	10013775	Brian Luker MA
RREP283	10013776	Sue Thorne
RREP284	10013778	Peter Griffiths
RREP285	10013779	H Heard
RREP286	10013781	Durleigh Parish Council - Chris Sidaway
RREP287	10013782	Maureen Farrell
RREP288	10013783	D G Gammon
RREP289	10013784	David Polden
RREP290	10013785	Mr D Langley
RREP291	10013786	George Pope
RREP292	10013788	Peter Smith
RREP293	10013793	John Richard Best
RREP294	10013794	James Richard Jowett
RREP295	10013796	Dr Kenneth Walters
RREP296	10013797	Judith Harding
RREP297	10013798	Mrs Peggy Walters
RREP298	10013800	Highbridge, Hunstspill & Burnham District Wildflowers - Stephen Chick
RREP299	10013801	David Hopewell
RREP300	10013802	Sarah Fox
RREP301	10013803	Danny Nicholls
RREP302	10013805	Dr Fran Martin
RREP303	10013806	Sandra Follett
RREP304	10013808	Theo Simon
RREP305	10013810	Huish Champflower Parish Council
RREP306	10013814	Geoff May
RREP307	10013816	N Carter
RREP308	10013817	Andrew G Vickery
RREP309	10013818	David Parish
RREP310	10013819	John Piper
RREP311	10013821	Peter Waldschmidt
RREP312	10013824	John Hucker
RREP313	10013825	W R Walker
RREP314	10013826	Michael Leaver
RREP315	10013829	Rebecca Hopkins
RREP316	10013830	Josie
RREP317	10013833	James David Mercer
RREP318	10013834	Grant Taylor
RREP319	10013835	Roger Wrayford
RREP320	10013836	R E Baldwin
RREP321	10013837	John White
RREP322	10013838	David McCubbin
RREP323	10013841	Melanie Baldwin
RREP324	10013844	South West Against Nuclear - Zoe Smith
RREP325	10013845	Stop New Nuclear - Zoe Smith
RREP326	10013846	Peter Roberts
RREP327	10013847	Joshua Schwieso
RREP328	10013848	Carhampton Parish Council - Jean Armin

RREP329	10013853	Christine Carr
RREP330	10013854	Chris Chatfield
RREP331	10013856	Fiona Kirton
RREP332	10013858	Sally Kuhlmann
RREP333	10013859	Georgina Bryant
RREP334	10013860	G H Gibson
RREP335	10013863	Joanne Lee
RREP336	10013867	S J Wills
RREP337	10013869	David Jesse
RREP338	10013870	David Phelan-Player
RREP339	10013875	P Sturdy
RREP340	10013876	Richard Chisnall
RREP341	10013877	Stuart Packer
RREP342	10013878	S C Largent
RREP343	10013879	Marion van Eupen
RREP344	10013883	Laura Rice
RREP345	10013884	Lyn Largent
RREP346	10013885	Steve Radford
RREP347	10013887	John Robins
RREP348	10013888	Dearbhaile Bradley
RREP349	10013889	Mrs Angela Partridge
RREP350	10013890	Mr John Joseph Devitt
RREP351	10013891	Nicholas W Kroner
RREP352	10013892	Maurice Howard
RREP353	10013894	Louise Somerville Williams
RREP354	10013895	Geoff Gadie
RREP355	10013898	Victoria Whelan
RREP356	10013899	Somergreen Turf & Somergreen Maintenance - Robert Adcock
RREP357	10013902	Mary A. Mahoney
RREP358	10013903	Michael Ritson
RREP359	10013904	Mr J Ashworth
RREP360	10013905	Lynne Morgan
RREP361	10013906	John Thompson
RREP362	10013907	James Lloyd
RREP363	10013909	Mrs Pauline Pope
RREP364	10013910	Serena Roney-Dougal
RREP365	10013913	Health Protection Agency - Clare Gruar
RREP366	10013914	Mr. Duncan Peaster
RREP367	10013915	Mrs Jean Cox
RREP368	10013916	Cllr Michael Lerry
RREP369	10013918	Mark Verncombe
RREP370	10013921	Donella Houser
RREP371	10013922	Davina Williams
RREP372	10013923	Nick Jones
RREP373	10013924	Heidi Boyd
RREP374	10013925	Stogursey Parish Council - Mrs Alyson Prowse
RREP375	10013926	Nikola Wilson
RREP376	10013928	Leonie Kearn
RREP377	10013929	Peter Evans
RREP378	10013930	Sun Bird
RREP379	10013931	Alyson Black
RREP380	10013933	Steve Berry
RREP381	10013936	Katharine Babington
RREP382	10013937	Nicola Bell
RREP383	10013938	Arletta Hodge
RREP384	10013939	Keith Lane

RREP385	10013940	Ted Cubitt
RREP386	10013943	Elizabeth Browning
RREP387	10013944	Dave Helliar
RREP388	10013945	Mr C Bassett
RREP389	10013946	Mrs Jennifer Alexander
RREP390	10013950	Adrian L Cutts
RREP391	10013951	Anthony Vernon Phillips
RREP392	10013952	Mag Richards
RREP393	10013953	Susan Adams
RREP394	10013955	Susie Matthewson
RREP395	10013957	Sally Tuffin
RREP396	10013959	Llanos Nunez
RREP397	10013961	Sally Owen
RREP398	10013962	Mr DA Northam
RREP399	10013963	Mrs Phipps
RREP400	10013964	Robin Phipps
RREP401	10013966	Elinor Parker
RREP402	10013967	Christine Martin
RREP403	10013968	Rev H.P.Barkham
RREP404	10013969	Lindy Booth
RREP405	10013970	Gerald Alexander
RREP406	10013971	Ronald Keirle
RREP407	10013972	Jennifer Bell
RREP408	10013973	Mrs Jennifer Kinahan
RREP409	10013974	Jan Rigden
RREP410	10013978	Ben Hartshorn
RREP411	10013979	Dr Nicola Hall
RREP412	10013980	Amanda McTaggart
RREP413	10013981	Julia Timothy
RREP414	10013982	Francis Clark
RREP415	10013984	Peter Morrow
RREP416	10013985	Gill Griffin
RREP417	10013986	Gabrielle Grace
RREP418	10013987	Abby
RREP419	10013989	Ben Manning
RREP420	10013990	Barbara French
RREP421	10013992	Martin Shirley
RREP422	10013993	Dr Carl Iwan Clowes OBE
RREP423	10013997	Naomi Smyth
RREP424	10013998	Clare Tomlinson
RREP425	10013999	James Davidson
RREP426	10014000	Robin Smith
RREP427	10014001	Colin Loader
RREP428	10014002	Sam Rossiter
RREP429	10014012	Mr Barry Haffenden
RREP430	10014014	Janice Joanna Somers Beasley
RREP431	10014015	Andy Andrews
RREP432	10014016	Kim Chenoweth
RREP433	10014017	Mr Grant Edwards
RREP434	10014020	Mobbs' Environmental Investigations - Paul Mobbs
RREP435	10014024	Mr Ronald James Bater
RREP436	10014026	Sustaination - Ed Dowding
RREP437	10014028	Peter Austin
RREP438	10014029	Mr Ian Venton
RREP439	10014031	Kit Sadgrove
RREP440	10014032	Mr Lewis Bsc Conservation
RREP441	10014033	Anne Lane

RREP442	10014034	Steve Henderson
RREP443	10014037	Kate Adams
RREP444	10014039	Fiona Helmer
RREP445	10014040	Peter Nurse
RREP446	10014044	Johanna van Fessem
RREP447	10014045	Eleanor Richards
RREP448	10014047	Mike Rigby
RREP449	10014048	Jonathan Heriz-Smith
RREP450	10014049	Jane Abrahall
RREP451	10014050	Crispin Aubrey
RREP452	10014051	Sarah Maylor
RREP453	10014052	Georgie Lyng
RREP454	10014054	Peter Shaw
RREP455	10014056	Christine Ambrose
RREP456	10014057	Michael Squires
RREP457	10014059	Nicola Withers
RREP458	10014061	Steve Smith
RREP459	10014062	Rachel Dyer
RREP460	10014063	Williamson-Dickie Europe - Anthony Stuart
RREP461	10014064	Robbie Spence
RREP462	10014066	Carol Edwards
RREP463	10014067	Teresa Thorne
RREP464	10014069	Andrew Harris
RREP465	10014071	Tim Moss
RREP466	10014072	Anthony Lamb
RREP467	10014077	Isobel Cadbury
RREP468	10014078	Chris Hancock
RREP469	10014081	Jessie Watson Brown
RREP470	10014082	Somerset Tourism Association - Bob Smart
RREP471	10014083	Malcolm Hogg
RREP472	10014085	Richard Palmer
RREP473	10014086	Suzanne Williams
RREP474	10014087	Sue Lloyd
RREP475	10014089	Mrs Marion I Hyam
RREP476	10014091	Robert Craig
RREP477	10014093	Paul Gripton
RREP478	10014094	Mr Anthony C Hyam
RREP479	10014095	Melody Strachan
RREP480	10014097	Margery Coughlan
RREP481	10014098	David Pope
RREP482	10014101	Jonathan Paul Tansley
RREP483	10014103	Brian John Sparks
RREP484	10014106	Robert & Lyn Palmer
RREP485	10014108	Claire Gibson
RREP486	10014110	Ian Greenslade
RREP487	10014112	Rhys Iestyn Tucker
RREP488	10014113	Tine Landy
RREP489	10014114	Christopher Gifford
RREP490	10014116	Roger Shepherd
RREP491	10014117	Neil Lush
RREP492	10014118	Muriel Spenceley
RREP493	10014120	Katie Phelan-Player
RREP494	10014121	John Staddon
RREP495	10014122	N Laing
RREP496	10014124	Margaret Markwick
RREP497	10014125	Andrew Tiffin
RREP498	10014129	Peter Roche

RREP499	10014130	David Gillam
RREP500	10014131	R A Morse
RREP501	10014132	Robert Dibble
RREP502	10014133	Nicola Bower
RREP503	10014136	Roger Farnfield
RREP504	10014140	Sylvia Staddon
RREP505	10014141	Gerry Barnett
RREP506	10014147	Dawn Griffin
RREP507	10014148	Cam Machine Components Ltd - Gervase Winn
RREP508	10014150	Stephen Pearman
RREP509	10014151	Porton Construction Management
RREP510	10014152	Wood Wise Trading Ltd - Paul Huggins
RREP511	10014157	Peter Rixon
RREP512	10014158	Summer Lodge Country House Hotel (Red Carnation Hotels) - Kevin Reid
RREP513	10014161	Avalon Surfacing & Construction Company Limited - Nick Barrett
RREP514	10014163	R Cuttell
RREP515	10014165	Electro South West Ltd - Martin Clapp
RREP516	10014167	Gayle Cairns
RREP517	10014168	Michael Rolfe
RREP518	10014171	Langlab Resources Ltd - Micheal Copleston
RREP519	10014173	C A Blackwell (Contracts) Ltd - Amanda Mujawar
RREP520	10014175	William James Monteith
RREP521	10014176	Graham Granter
RREP522	10014177	Clarkson Port Services - Arron Macey
RREP523	10014179	John Bower
RREP524	10014180	Institute of Directors - Simon Face
RREP525	10014183	David Sainsbury
RREP526	10014184	Churton Inge Associates - Christopher Inge
RREP527	10014185	Roger Tibbles
RREP528	10014186	Ian Rix
RREP529	10014187	Stability Solutions Ltd - Jolyon Cullen
RREP530	10014189	Richard Webber
RREP531	10014191	P E Olson
RREP532	10014192	Roy Pumfrey
RREP533	10014193	Steven Hendy
RREP534	10014198	Leigh Redman
RREP535	10014199	Jack Mason
RREP536	10014202	Paul Dennett
RREP537	10014209	Mr R Slade
RREP538	10014210	Christopher Ford
RREP539	10014215	Stephen L Turner
RREP540	10014222	Kathleen Saunders
RREP541	10014223	Richard Tansley
RREP542	10014224	John Francis Tansley
RREP543	10014225	Sophie Knock
RREP544	10014235	J. Clyde-Smith
RREP545	10014240	Craig Savage
RREP546	10014244	Heart of the South West Local Enterprise Partnership - Jeremy Filmer - Bennett
RREP547	10014245	Tim Netto
RREP548	10014247	Dr Isabel Aimee Berkeley
RREP549	10014251	Saxonia Guest House - Jon Harrap
RREP550	10014260	Kuthumi Jon
RREP551	10014261	Casey Jon
RREP552	10014263	R H Buckley

RREP553	10014264	Dr Gerry Wolff
RREP554	10014269	Dr Wulf Franzen
RREP555	10014275	Otterhampton Parish Council - Barry Leathwood
RREP556	10014282	Bodhi Jon
RREP557	10014284	S Parker
RREP558	10014287	Jayne Howe
RREP559	10014288	Robert Howe
RREP560	10014289	Jade Howe
RREP561	10014291	Josh Simms
RREP562	10014293	Loretta Whetlor
RREP563	10014295	Brainwave - Phillip Edge
RREP564	10014296	Glenys Vickery
RREP565	10014297	Garry Mason
RREP566	10014299	Watchet Town Council - Sarah Reed
RREP567	10014301	Venetia Larcombe
RREP568	10014302	Suprema Concepts Limited - Caroline Peebles Brown
RREP569	10014303	Robert Crowther
RREP570	10014304	Critical Software Technologies Ltd - Alexander Hill
RREP571	10014308	Superheat FGH Ltd. - Nathan Hollings
RREP572	10014310	Jean Trebble
RREP573	10014312	V Parker
RREP574	10014315	Bradwell for Renewable Energy - Valerie Mainwood
RREP575	10014322	Simon Scarborough
RREP576	10014323	Lord Hylton
RREP577	10014324	Suzanna Nurse
RREP578	10014326	Applied Technology Consultants Ltd - Richard Davies
RREP579	10014328	Wyndham Ward Councillors, Bridgwater - Councillor Gill Slocombe
RREP580	10014329	Peter Morris
RREP581	10014331	P R Lane
RREP582	10014333	C.W.Feltham Ltd - Andrew Feltham
RREP583	10014335	Philip Jowett
RREP584	10014340	N M Berridge
RREP585	10014342	Galliford Try Infrastructure (South Wales & South West England) - Phil Jenkins
RREP586	10014347	Peter Webber
RREP587	10014352	Shapwick Parish Council - Sue Williams
RREP588	10014356	Simon Woolf
RREP589	10014368	Matalan Retail Limited - Ian Cheadle
RREP590	10014371	Felicity Rich
RREP591	10014373	John H Billingham
RREP592	10014374	Mervyn S Todd
RREP593	10014375	Eugene Martin
RREP594	10014376	Roy Deakin
RREP595	10014380	Lesley Jennings
RREP596	10014381	Rev. Robin Hutt
RREP597	10014385	South West Inland Marine.co.uk - Geoff Milne
RREP598	10014388	Olive Margaret Roberts
RREP599	10014391	David Charles Griffiths CEng, CQP, MIMechE, MCQI
RREP600	10014392	Mrs Patricia Bater
RREP601	10014393	M Jenkins
RREP602	10014395	Margaret Schütt
RREP603	10014398	Scott Collard

RREP604	10014401	Peter Greig
RREP605	10014403	Linda Rogers
RREP606	10014407	Sampford Brett Parish Council - Mrs V A Yandle
RREP607	10014410	James Lock
RREP608	10014411	Mrs Emma Summers
RREP609	10014415	P J Wainwright
RREP610	10014421	Peter Russell
RREP611	10014423	Matthew Fursland
RREP612	10014425	Sam Stacey
RREP613	10014427	Claire Platten
RREP614	10014436	W J Sprod
RREP615	10014437	Rebecca Balloch
RREP616	10014450	Bridgwater & District Civic Society - Member Executive
RREP617	10014452	Bridgwater Bay Wildfowlers Association - Stuart Hill
RREP618	10014453	Mr D Edmunds
RREP619	10014455	Friends of Quantock - Alan Hughes
RREP620	10014457	Alistair Johnstone
RREP621	10014459	Peter Stokes
RREP622	10014460	Venetia Hawker
RREP623	10014462	Paul Knight - Alison Easto
RREP624	10014463	Jean Allen
RREP625	10014464	Stuart Allen
RREP626	10014465	David Satherley
RREP627	10014467	Rachel Storey
RREP628	10014468	Robert Forgan
RREP629	10014469	Nicola Forgan
RREP630	10014470	TIME Project - Kevin Thorpe
RREP631	10014472	Barry Leathwood
RREP632	10014473	Fenton Court
RREP633	10014475	Yarlington Housing Group - Aidan Kelly
RREP634	10014476	Judith Nealon
RREP635	10014477	Advance Fixings - Pamela Beaumont
RREP636	10014478	CND Cymru - Jill Gough
RREP637	10014479	Simon Kearn
RREP638	10014481	Annie Jones
RREP639	10014482	A E Fraser
RREP640	10014483	Cyfeillion y Ddaear Cymru - Gareth Clubb
RREP641	10014484	Sian Howson
RREP642	10014487	Mervyn P Brown
RREP643	10014488	R Hunt
RREP644	10014490	C Freeman
RREP645	10014491	David Allen
RREP646	10014492	Sandra Schweiso
RREP647	10014493	Azeema Caffoor
RREP648	10014496	Bradley Edwards
RREP649	10014497	PX Manufacturing & Distribution Ltd - Colin Rose
RREP650	10014498	Lynn Lovell
RREP651	10014499	Bridgwater Bay Health Federation
RREP652	10014500	Philip Andrew Cooper
RREP653	10014501	Tessa Munt MP
RREP654	10014503	Ann Hudson
RREP655	10014505	RAC Foundation for Motoring - C R Durham
RREP656	10014508	Avon and Somerset Constabulary ("ASP") - CSJ Planning Consultants
RREP657	10014510	David Theobald

RREP658	10014511	Barbara J Oates
RREP659	10014512	Campaign for Nuclear Disarmament (CND) - Dawn Rothwell
RREP660	10014513	David Cleaveley
RREP661	10014516	Cannington Health Centre - Moira Allen
RREP662	10014517	Mrs Janet Parry
RREP663	10014520	Jane Taunton
RREP664	10014521	Bernard John Anthony Coleman
RREP665	10014523	Roy St Pierre
RREP666	10014524	Mrs Diana Bedford
RREP667	10014528	Veronica Bowden
RREP668	10014529	Lynda Upton
RREP669	10014530	David Penney
RREP670	10014531	Nial Woodford
RREP671	10014532	Deborah Woodford
RREP672	10014533	Kerris Casey-St.Pierre
RREP673	10014534	North Cumbria CND - Irene Sanderson
RREP674	10014535	Somerset Rural Youth Project - Nik Harwood
RREP675	10014536	Mike Timmins
RREP676	10014537	Ian Macnab
RREP677	10014541	Dario Gerchi
RREP678	10014542	Alex Putnam
RREP679	10014544	Chris Briton
RREP680	10014549	Mr S Ostler
RREP681	10014550	D J Western
RREP682	10014552	Thomas Hughes
RREP683	10014553	Mr Roger John Stacey
RREP684	10014554	Adrian Arbib
RREP685	10014555	Chris Quick
RREP686	10014557	Terence Murphy
RREP687	10014558	Taunton Deane Borough Council - Ann Rhodes
RREP688	10014560	Colin Fitzpatrick
RREP689	10014561	Kathryn Ford
RREP690	10014562	Exmoor National Park Authority - David Wyborn
RREP691	10014563	Phillip Highe
RREP692	10014564	South Somerset District Council - Nick Cardell
RREP693	10014565	Dean Parfrey
RREP694	10014567	Robert Blandford
RREP695	10014568	NuclearConsult - dr Paul Dorfman
RREP696	10014572	Mrs Barbara Haxby
RREP697	10014573	Geoff Fairman
RREP698	10014574	Andy Buchanan
RREP699	10014575	Paula Hollings
RREP700	10014576	Ms Joanna Haxby
RREP701	10014579	Janet Hearn
RREP702	10014580	British Association for Shooting & Conservation - David Gervers
RREP703	10014581	Geoff Taylor
RREP704	10014582	Christopher Dent
RREP705	10014583	Mr David Stafford
RREP706	10014584	Cheryl Brown
RREP707	10014585	Mr Mike Jarvis
RREP708	10014586	Ben-Jah Jon
RREP709	10014588	Highways Agency - Mrs Jacqui Ashman
RREP710	10014589	Gerber Juice Company Limited - Juliette Staunton
RREP711	10014590	Malcolm Reid
RREP712	10014591	Greenpeace UK - Richard George

RREP713	10014593	Alison Stenning
RREP714	10014594	Mike Stone
RREP715	10014595	Stephen Mewes
RREP716	10014597	Enmore Parish Council - Ann Manders
RREP717	10014598	The Bristol Port Company - Anne Hayes
RREP718	10014599	Mr David Atkinson - Burges Salmon LLP
RREP719	10014600	Berrow Parish Council - Mrs Lynn Smith
RREP720	10014601	Mary Ryall
RREP721	10014602	Guy Whittaker
RREP722	10014603	Stephen Gale
RREP723	10014604	Mr Andrew Slaney - Burges Salmon LLP
RREP724	10014605	Tim Mander
RREP725	10014606	Craig Davenport
RREP726	10014607	Lynda Stahl
RREP727	10014609	Jon Lloyd
RREP728	10014611	Jill Perry
RREP729	10014612	Jenny Chesher
RREP730	10014613	David Cross
RREP731	10014614	David Orr
RREP732	10014615	Martin Shukie
RREP733	10014616	Andrew Balloch
RREP734	10014618	Shane Collins
RREP735	10014619	Barry & Vale Friends of the Earth - Max Wallis
RREP736	10014620	Hugh Gilmour
RREP737	10014621	A Frances Morris
RREP738	10014623	Geoffrey Stuart Dowding
RREP739	10014624	Peter Grenville Smith
RREP740	10014625	John C Jory
RREP741	10014627	Julie Jones
RREP742	10014628	Philip Ham
RREP743	10014629	Jeremy Damrel
RREP744	10014630	Sarah Porter
RREP745	10014631	J W Shore
RREP746	10014632	Stringston Parish Meeting - Sarah Porter
RREP747	10014633	Piers Ranger
RREP748	10014634	Carol Porter
RREP749	10014635	Angie Zelter
RREP750	10014636	Nigel Gardner
RREP751	10014638	Deborah Derebag
RREP752	10014639	Alan Hyde
RREP753	10014640	Valerie Boxal
RREP754	10014642	Zelda Jeffers
RREP755	10014643	Wendy Bowen
RREP756	10014644	Owain Jones
RREP757	10014645	Brin Bowen
RREP758	10014646	Joanne Logan
RREP759	10014648	Christopher Gwyntopher
RREP760	10014650	Peter Grandfield
RREP761	10014652	David James
RREP762	10014653	David Freemantle
RREP763	10014654	D. E. Packham
RREP764	10014655	John Edwards
RREP765	10014657	Timothy Richards
RREP766	10014658	Sedgemoor Traffic Action Group - Matthew Jackson-Smith
RREP767	10014659	Mr W Yeo represented by Sheena Coats
RREP768	10014660	Mrs K Freeman represented by C Freeman

RREP769	10014661	Newport Friends of the Earth - David Yates
RREP770	10014662	Andy Howse
RREP771	10014663	Fiddington Parish Council - Tina Gardener
RREP772	10014665	Tina Gardener
RREP773	10014666	Frances Elizabeth Fawkes
RREP774	10014667	Judith Fursland
RREP775	10014670	David Higgins
RREP776	10014673	Gill Howell
RREP777	10014674	Michael Marshall
RREP778	10014675	N Amos
RREP779	10014676	Kathryn Roberts
RREP780	10014677	Peter Oates
RREP781	10014678	Tina Woodhead
RREP782	10014679	Edward P Daughton
RREP783	10014680	Jean Howard
RREP784	10014682	Roy Fursland
RREP785	10014683	Lynda Laird
RREP786	10014684	David Westmore
RREP787	10014685	Pawlett Parish Council - Colin Freeman
RREP788	10014686	K Nathe
RREP789	10014687	David Butter
RREP790	10014692	Iris Emery
RREP791	10014693	J Sherratt
RREP792	10014694	Radiation Free Lakeland - Marianne Birkby
RREP793	10014695	Huw Parry
RREP794	10014698	Styda Limited - David J Ryland
RREP795	10014700	John Brown
RREP796	10014701	JGA Norman
RREP797	10014702	Lesley Susan Jones
RREP798	10014703	L.Hook
RREP799	10014705	Paul Verbinnen
RREP800	10014707	Brian Stother
RREP801	10014708	Matt Bowen
RREP802	10014709	Mr Richard Jones
RREP803	10014710	Tim Whittingham
RREP804	10014711	Sian Pumfrey
RREP805	10014712	D Voisey
RREP806	10014713	Dr. J. B. Lawton
RREP807	10014714	Shut Down Sizewell Campaign - Peter Lanyon
RREP808	10014715	Graeme Telford
RREP809	10014716	Jan Voisey
RREP810	10014717	Roger Cartwright
RREP811	10014718	Andria Haffenden
RREP812	10014719	John Stansfield
RREP813	10014720	Kathleen Edwards
RREP814	10014721	Robert Williams
RREP815	10014722	Steve Smith
RREP816	10014723	Ruth Williams
RREP817	10014726	Mark Frost
RREP818	10014727	Helen Thorn
RREP819	10014728	Robin Thorn
RREP820	10014729	Graham Nashe-Wiseman
RREP821	10014730	Chris Durney
RREP822	10014731	Carolyn Southwell
RREP823	10014733	David Brown
RREP824	10014734	Cecily Collingridge
RREP825	10014735	Hallam Land Management Limited

RREP826	10014736	Michael Beasley
RREP827	10014737	Hazel Neal
RREP828	10014738	Sharon Fisher
RREP829	10014740	Marilyn Kick
RREP830	10014741	Bawdrip Parish Council - G Jarvis
RREP831	10014742	Caroline Hope
RREP832	10014743	Tony Brown
RREP833	10014744	Danny Packer
RREP834	10014746	Chris Edwards
RREP835	10014748	Deb Millar
RREP836	10014752	Natalie Came
RREP837	10014755	J R Langmaid
RREP838	10014760	Mark Crawford
RREP839	10014765	Caro Ness
RREP840	10014766	Graham Browning
RREP841	10014767	Carole Ann Stone
RREP842	10014768	John Cole
RREP843	10014769	Emily Freeman
RREP844	10014771	K Mitchell
RREP845	10014773	Barbara Wigley
RREP846	10014774	Tina Mitchell
RREP847	10014775	Combe House Hotel - Gareth Weed
RREP848	10014776	Sheena M Tucker
RREP849	10014777	Anne Reed
RREP850	10014778	J Marriott
RREP851	10014779	John Attwooll
RREP852	10014780	Teresa Heap
RREP853	10014781	Jim Duffy
RREP854	10014783	Gordon Taylor
RREP855	10014784	Joan Braddick
RREP856	10014785	FC Ford
RREP857	10014787	Roger Oldfield
RREP858	10014788	Robert Morgan
RREP859	10014789	G.B. Harding
RREP860	10014790	Bridget Salmon
RREP861	10014794	Ornella Saibene
RREP862	10014796	David Jesse
RREP863	10014797	Chris Cunningham
RREP864	10014798	Anthony E W Hobbs
RREP865	10014799	Gerald D.R. Ambler
RREP866	10014800	M. Underwood
RREP867	10014801	Antony John Slade
RREP868	10014802	Natasha Alexander
RREP869	10014804	Andrew Mallinson
RREP870	10014805	Sharan Eve
RREP871	10014806	Geoff Collard
RREP872	10014807	Maurice Holding
RREP873	10014808	Sheila Holding
RREP874	10014810	Pippa Lucas
RREP875	10014811	Ian Tucker
RREP876	10014812	Alison Jarah
RREP877	10014813	Laura Carpenter
RREP878	10014814	Mary Morgan
RREP879	10014815	John Richard Bates
RREP880	10014816	Patricia Hubbleday
RREP881	10014817	Jason Gunningham
RREP882	10014818	Ian Forster

RREP883	10014819	Helen Gillam
RREP884	10014820	Charles Graham BSc Hons
RREP885	10014821	Bill McDonald
RREP886	10014822	Susan Lilienthal
RREP887	10014823	Maureen Collin
RREP888	10014824	Kendal B Axon
RREP889	10014825	Matravers Plant Hire - Andrew Matravers
RREP890	10014826	Brian Keane
RREP891	10014827	Mrs Dodden
RREP892	10014828	Richard Ince
RREP893	10014829	Wendy Stother
RREP894	10014830	Combwich Motor Boat and Sailing Club - Reg Wilkes
RREP895	10014831	Reg Wilkes
RREP896	10014832	Sue Francis
RREP897	10014833	Kathleen Down
RREP898	10014834	Robert Birkenhead
RREP899	10014835	Roy Down represented by K Down
RREP900	10014836	Low Level Radiation and Health Conference - Jill Sutcliffe
RREP901	10014837	Sally-Ann Howes
RREP902	10014838	Joanne Baker
RREP903	10014840	Trevor Howes
RREP904	10014841	F Ward
RREP905	10014842	Phil Johnstone
RREP906	10014843	Julia Mercer
RREP907	10014844	Greta Kendrick
RREP908	10014845	Sarah Grace Bult
RREP909	10014847	Joy Deakin
RREP910	10014848	Kate Slade
RREP911	10014849	Nicola Clark
RREP912	10014850	Pat Sanchez
RREP913	10014852	Stuart Hill
RREP914	10014853	Alan Debenham
RREP915	10014854	Karen Bolton
RREP916	10014856	Hinkley Point Retired Employees Association - Peter Lancaster
RREP917	10014858	Joseph T Broadbent
RREP918	10014859	John Bates
RREP919	10014860	Andrew Jeffery
RREP920	10014861	Bronwen Webb
RREP921	10014862	D J E Bryant
RREP922	10014863	Ben Cleaveley
RREP923	10014864	Anthony Seymour
RREP924	10014865	Susan Gripton
RREP925	10014866	Lindsay Southcombe
RREP926	10014867	Pete Jowsey
RREP927	10014868	Jonathan Smailes
RREP928	10014869	Simon Dunford
RREP929	10014871	Dr George Peter Richardson
RREP930	10014872	Judith Cromwell
RREP931	10014874	Julien Temple
RREP932	10014875	Elizabeth Marriott
RREP933	10014877	Linda Hugl
RREP934	10014878	Lucinda Garrett
RREP935	10014879	Lauren Wardle
RREP936	10014880	Samuel Folland

RREP937	10014882	North Somerset Council - Kay Topazio
RREP938	10014883	Neil Seacroft
RREP939	10014884	Denise Drake
RREP940	10014885	R W Hall CBE FREng
RREP941	10014886	Kenneth Cooper
RREP942	10014887	Linda Davies
RREP943	10014888	Cumbria County Council - Richard Evans
RREP944	10014889	Julia Seacroft
RREP945	10014893	Richard Carder
RREP946	10014894	Carolyn Thompson
RREP947	10014895	Ian Cohen
RREP948	10014901	Scott Sealey
RREP949	10014902	Brian Rowe
RREP950	10014903	Carole Taylor
RREP951	10014905	Peter R Phillips
RREP952	10014906	Alicia Aras
RREP953	10014907	Claire Slatcher
RREP954	10014908	Roger Langford
RREP955	10014909	Julian Mellor
RREP956	10014910	English Heritage - Caroline Power
RREP957	10014911	Andrew Taylor
RREP958	10014912	Maureen Smith
RREP959	10014913	Anne Suddaby
RREP960	10014914	Robert Godfrey
RREP961	10014915	Leon Suddaby
RREP962	10014916	Robin Maynard Seaver
RREP963	10014917	Nicholas Davies
RREP964	10014918	P.M.Braine
RREP965	10014919	Mai Suzuki
RREP966	10014921	Malcolm Porch
RREP967	10014922	Jean McSorley
RREP968	10014924	Sarah Lasenby
RREP969	10014925	Karalina Matskevich
RREP970	10014927	Caroline Lucas MP
RREP971	10014928	Nether Stowey Parish Council - Ainslie E Ensor
RREP972	10014929	Barry Turner
RREP973	10014930	Nicholas Gibson
RREP974	10014931	Homes in Sedgemoor - John Holman
RREP975	10014932	Kate Wood
RREP976	10014933	CBI - Sarah Morris
RREP977	10014934	Quantock Cluster Parishes - Ainslie E Ensor
RREP978	10014935	Parrett Internal Drainage Board - Iain Sturdy
RREP979	10014936	Chris Jackman
RREP980	10014937	Trinity House - Anna Gibb
RREP981	10014938	Julian Taylor
RREP982	10014939	EDF Energy Nuclear Generation Ltd - Nick Cofield
RREP983	10014940	Kevin Elliott
RREP984	10014941	John E Earp
RREP985	10014942	C V Grylls
RREP986	10014943	Save Cannington Action Group - Alan Beasley
RREP987	10014944	Bridgwater College - Fiona McMillian
RREP988	10014945	Dr Sian Jones
RREP989	10014946	Brookridge Timber Ltd - Roy Brooke
RREP990	10014947	E & P Painting Contractors Ltd - Peter Whibley
RREP991	10014948	Kevin Coughlan
RREP992	10014949	Linda Z Wicks
RREP993	10014951	Laura Bowen

RREP994	10014952	Rosemary Haworth-Booth
RREP995	10014953	Laura Sangers
RREP996	10014954	Vanessa Matthews
RREP997	10014955	Paul Flynn MP
RREP998	10014956	D. Topliffe
RREP999	10014958	Ministry of Defence - Jon Wilson
RREP1000	10014959	Alan Kelly
RREP1001	10014960	Prof. Geoffrey Poole FRSA
RREP1002	10014961	Mark Samson
RREP1003	10014962	Innovia Cellophane Limited and Innovia Films Limited - Dickinson Dees LLP
RREP1004	10014963	Mid Devon District Council - Jenny Clifford
RREP1005	10014964	Tom Burke
RREP1006	10014966	Rebecca Robinson
RREP1007	10014967	David Wood
RREP1008	10014968	Sarah Hartley
RREP1009	10014970	Linda Bareham-Stanley
RREP1010	10014972	Office for Nuclear Regulation - Colin Potter
RREP1011	10014973	Vicky Banham
RREP1012	10014975	Fairfield Estate (Lady Gass) - Clarke Willmott LLP
RREP1013	10014977	Burnham-on-Sea & Highbridge Town Council - Eileen Shaw
RREP1014	10014978	Cara Naden
RREP1015	10014979	NHS Somerset - Paul Harwood
RREP1016	10014980	Bristol City Council - Zoe Willcox
RREP1017	10014981	Quantock Hills Area of Outstanding Natural Beauty Service - Emma-Jane Preece
RREP1018	10014983	Vernon Hughes
RREP1019	10014984	Natural England - Richard M T Broadbent (part 1 - see also RREP1188)
RREP1020	10014985	Robert Nicholls
RREP1021	10014986	Doreen Valentine-Slack
RREP1022	10014988	James Upton
RREP1023	10014990	Penelope Mireille Holmes
RREP1024	10014991	Kali Jon
RREP1025	10014993	Penelope Newsome
RREP1026	10014995	John Salmon
RREP1027	10014996	Azharah J Burn
RREP1028	10014997	Royal Society for the Protection of Birds - Richard Archer
RREP1029	10014998	M Reeve
RREP1030	10014999	Homes and Communities Agency - Steve Jackson
RREP1031	10015000	Allison Baldwin
RREP1032	10015002	Otis French Sanders
RREP1033	10015003	Andrew Smith
RREP1034	10015004	The Bristol Greenpeace Group - Wilf Mound
RREP1035	10015005	Caroline Norris
RREP1036	10015006	Helen Woodley
RREP1037	10015007	Kick Nuclear - Daniel Viesnik
RREP1038	10015008	David Trebble
RREP1039	10015009	Raymond Norris
RREP1040	10015010	Patricia Walsh
RREP1041	10015011	Chris Scotting
RREP1042	10015012	Tom Griffith-Jones
RREP1043	10015013	Jennifer Barge
RREP1044	10015014	Ruth Lederman
RREP1045	10015016	Peter Williams

RREP1046	10015017	Robert Jones
RREP1047	10015018	Daniel Viesnik
RREP1048	10015020	Michael Fackrell
RREP1049	10015021	Jean Oliver
RREP1050	10015023	Philip Davies
RREP1051	10015024	Mrs H Phillips
RREP1052	10015025	Rosemarie Gale
RREP1053	10015027	Trade Unions for Safe Nuclear Energy - John Quigley
RREP1054	10015028	David Eccles
RREP1055	10015029	Toby Phillips
RREP1056	10015031	Nathalie Louis-Andre
RREP1057	10015032	Robert Jeffery
RREP1058	10015033	Mr William Edwin Martin Roberts
RREP1059	10015034	Federation of Small Businesses - Patricia Marks
RREP1060	10015035	Douglas Shaw
RREP1061	10015036	Eleanor Rosie Gillam
RREP1062	10015037	Benjamin Greenwood
RREP1063	10015038	Julie Williams
RREP1064	10015041	Cicely Hitchings
RREP1065	10015042	Camilla Saunders
RREP1066	10015043	Tim Bates
RREP1067	10015044	Jon Goodson
RREP1068	10015045	Mary Roberts
RREP1069	10015046	John Addison
RREP1070	10015047	Mervyn Williams
RREP1071	10015048	Sonia Maria Hulejczuk
RREP1072	10015050	Richard Lee
RREP1073	10015051	Friends of the Earth - Mike Birkin
RREP1074	10015052	Terry Peers
RREP1075	10015053	Misha Carder
RREP1076	10015054	Neil Garrod
RREP1077	10015055	Jake Ayre
RREP1078	10015057	Gillian Lee
RREP1079	10015058	Lynne Fackrell
RREP1080	10015059	Katie Richards
RREP1081	10015060	Cyril Louis-Andre
RREP1082	10015061	Ann Kobayashi
RREP1083	10015062	Juliet Lyon
RREP1084	HINK-00001	Barry Prickett
RREP1085	HINK-00002	David Johnson
RREP1086	HINK-00003	Mr John Randall
RREP1087	HINK-00004	Maureen Randall
RREP1088	HINK-00006	Susan Jones
RREP1089	HINK-00010	Graham Howard
RREP1090	HINK-00012	Holford Parish Council - Karen Keane
RREP1091	HINK-00016	Philip Hemmings
RREP1092	HINK-00023	Devon & Somerset Fire & Rescue Service - Nick Matthew
RREP1093	HINK-00024	John French
RREP1094	HINK-00025	Old Cleeve Parish Council - Pamela Scragg
RREP1095	HINK-00027	Councillor A.H. Trollope-Bellew
RREP1096	HINK-00028	M J Harbour
RREP1097	HINK-00031	Elizabeth Douglas
RREP1098	HINK-00032	Tom Blaxland
RREP1099	HINK-00033	Ann Blaxland
RREP1100	HINK-00034	Keith Sims

RREP1101	INK-00035	Terry Ayre
RREP1102	INK-00037	Barry Tampin
RREP1103	INK-00040	June Score
RREP1104	INK-00044	Sheila Stuckey
RREP1105	INK-00045	Mr Alan Hurford
RREP1106	INK-00046	Bridgwater Town Council - Alan Hurford
RREP1107	INK-00048	Mr Snelling
RREP1108	INK-00049	Josephine Smoldon
RREP1109	INK-00050	Mrs P Tucker
RREP1110	INK-00051	Alan Horsfield
RREP1111	INK-00052	Sawtag - South & West Transport Action Group - John Jackson
RREP1112	INK-00054	E.H Grant
RREP1113	INK-00055	Robert Ackroyd
RREP1114	INK-00056	Anthony Adams
RREP1115	INK-00058	Helen Jowett
RREP1116	INK-00059	D J Dunnett
RREP1117	INK-00060	A Dunnett
RREP1118	INK-00061	John Coling
RREP1119	INK-00062	Rosemary Steel
RREP1120	INK-00063	B Grant
RREP1121	INK-00068	Eric Victor Everitt
RREP1122	INK-00072	Margaret Roberts
RREP1123	INK-00076	Mary Graham
RREP1124	INK-00078	Allan Jeffery
RREP1125	INK-00079	Stop Hinkley - Katy Attwater
RREP1126	INK-00080	Katherine Attwater
RREP1127	INK-00081	Douglas Kinch
RREP1128	INK-00082	Ann Kinch
RREP1129	INK-00083	Jack Green
RREP1130	INK-00084	Sheila Green
RREP1131	INK-00087	Mrs Heather Wood
RREP1132	INK-00089	Charles Parkes
RREP1133	INK-00090	Rita Cook
RREP1134	INK-00092	Ian Bateman
RREP1135	INK-00098	Rose Stuckey
RREP1136	INK-00100	Rev Roger Pollard
RREP1137	INK-00102	Anne Moore
RREP1138	INK-00103	Albert Moore
RREP1139	INK-00104	Norman Salter
RREP1140	INK-00105	Royston Taylor
RREP1141	INK-00106	Norma Taylor
RREP1142	INK-00109	Ina Evans
RREP1143	INK-00112	D Derebag represented by M Maund
RREP1144	INK-00118	Patricia Rood
RREP1145	INK-00119	John Hillier
RREP1146	INK-00120	Michael Coase
RREP1147	INK-00121	Jane Heylar
RREP1148	INK-00122	CM Helyar
RREP1149	INK-00125	Anthony Burgess-Parker
RREP1150	INK-00130	Susan Aubrey
RREP1151	INK-00132	A Johnson
RREP1152	INK-00133	J Ryan
RREP1153	INK-00136	Ann Bown
RREP1154	INK-00137	Margaret Brown
RREP1155	INK-00138	Sylvia Fackrell
RREP1156	INK-00139	Beryl Siddons

RREP1157	HINK-00142	Michael Hodge
RREP1158	HINK-00144	Communities Against Nuclear Expansion - Joan Girling
RREP1159	HINK-00145	Marilyn Markall
RREP1160	HINK-00146	Ian Horsfield
RREP1161	HINK-00148	Mrs D Williams
RREP1162	HINK-00149	George Williams
RREP1163	HINK-00152	Peter Berrington
RREP1164	HINK-00154	Pamela Sellers
RREP1165	HINK-00159	Lyn Macnab
RREP1166	HINK-00160	A Higgins
RREP1167	HINK-00163	Alan Elkan
RREP1168	HINK-00164	Emrys Roberts
RREP1169	HINK-00170	Mr Bryan Harris
RREP1170	HINK-00171	Ms Jane Buxton
RREP1171	HINK-00172	Fleurette Brown
RREP1172	HINK-00175	W J Atton
RREP1173	HINK-00176	RP Crabb
RREP1174	HINK-00183	Meg Sunningdale
RREP1175	HINK-00185	William Robert Cudlipp
RREP1176	HINK-00187	Ms Caitlin Collins
RREP1177	HINK-00189	Network Rail - Barbara Morgan
RREP1178	HINK-00190	Sam Harcombe
RREP1179	HINK-00193	T Norman
RREP1180	HINK-00194	Allan Jeffrey
RREP1181	HINK-00195	Mary Woodward
RREP1182	HINK-00196	People Against Wylfa B - Mr D Morgan
RREP1183	HINK-00200	B. Grant - E.H Grant
RREP1184	HINK-00207	William Meadows
RREP1185	HINK-00208	MW Tribe
RREP1186	HINK-00209	Jocelyn T Tribe
RREP1187	HINK-00212	Mendip District Council - Tracy Aarons
RREP1188	HINK-00213	Natural England - Richard Broadbent (part 2 - see also RREP1019)
RREP1189	HINK-00215	Countryside Council for Wales - Susan Howard
RREP1190	HINK-00216	Environment Agency Wessex Area - Brian Payne
RREP1191	HINK-00217	Marine Management Organisation - Jonathan Peters
RREP1192	HINK-00218	National Grid - Stefan Preuss
RREP1193	HINK-00219	Somerset County Council - Alyn Jones
RREP1194	HINK-00220	Sedgemoor District Council - Claire Pearce
RREP1195	HINK-00221	West Somerset District Council
RREP1196	HINK-00222	Civil Aviation Authority - Mark Smailes
RREP1197	HINK-00223	Royal Mail Group - David Poole

WRITTEN REPRESENTATIONS

WREP01	West Hinkley Action Group (WHAG)
WREP02	Ronald Allen
WREP03	The Civil Aviation Authority
WREP04	Stogursey Parish Council - Mrs Aly Prowse
WREP05	David Griffiths
WREP06	Parents Concerned about Hinkley (PCAH) - Jo Brown
WREP07	David Penney
WREP08	Burnham Water Users Forum - Peter Nicholson
WREP09	Grant Edwards
WREP10	Burnham and Highbridge Town Council - Eileen Shaw
WREP11	John French
WREP12	Peter Smith
WREP13	Cecily Collingridge
WREP14	Steve Smith
WREP15	Nuclear Free Local Authorities - Sean Morris
WREP16	Chilton Trinity Parish Council - John Andrews
WREP17	Hinkley Point Cycle Group - Gary Perrett
WREP18	Michael John Short
WREP19	Richard and Marion Oerton
WREP20	Otterhampton Parish Council - Barry Leathwood
WREP21	John and Maureen Randall
WREP22	Thomas Boyd
WREP23	Sheila Allen
WREP24	Linda Allen
WREP25	Barry Prickett
WREP26	John Lucas
WREP27	Susan Lilienthal
WREP28	Greta Kendrick
WREP29	Stuart Hill
WREP30	Bridgwater Bay Wildfowlers Association
WREP31	Spaxton Parish Council - Cllr John Edwards
WREP32	Cumbria County Council - Richard Evans
WREP33	Richard Cuttell
WREP34	Somerset PCT and Bridgwater Bay Health Federation
WREP35	Wembdon Parish Council - Cllr Anne Reed
WREP36	Josephine Smoldon and Ian Horsfield
WREP37	Stop Hinkley - Crispin Aubrey
WREP38	Parrett Internal Drainage Board - Iain Sturdy
WREP39	Charles Graham
WREP40	Hallam Land Management - Nick Freer
WREP41	Devon and Somerset Fire & Rescue Service
WREP42	Heart of the South West Local Enterprise Partnership - Tim Jones
WREP43	Fairfield Estate
WREP44	Ornella Saibene
WREP45	Environment Agency - Gupta
WREP46	Quantock Cluster Parishes - Peter Greig
WREP47	Countryside Council for Wales
WREP48	The Highways Agency
WREP49	Marine Management Organisation - Jonathan Peters
WREP50	South Somerset District Council - Cardnell
WREP51	Avon and Somerset Constabulary
WREP52	Greenpeace - Richard George
WREP53	Valerie Boxall
WREP54	Blackwater Against New Nuclear Group - Andrew Blowers
WREP55	Quantock Hills Area of Outstanding Natural Beauty Service

WREP56 [Office for Nuclear Regulation - Colin Potter](#)
WREP57 [Kathleen Edwards](#)
WREP58 [Nicola Clark](#)
WREP59 [Jon Goodson](#)
WREP60 [EDF Energy NNB](#)
WREP61 [Innovia Cellophane Limited and Innovia Films Limited](#)
WREP62 [Fulcrum Pipelines Limited](#)
WREP63 [NATS \(En Route\) Ltd](#)
WREP64 [Lyn Macnab](#)
WREP65 [Natural England](#)

REPRESENTATIONS

Adequacy of Consultation Representations

- REP001 [Wiltshire Council - Adequacy of Consultation Response](#)
- REP002 [Bath & North East Somerset Council - Adequacy of Consultation Response](#)
- REP003 [North Dorset District Council - Adequacy of Consultation Response](#)
- REP004 [West Somerset, Somerset and Sedgemoor Cover Letter - Adequacy of Consultation Response](#)
- REP005 [West Somerset, Somerset and Sedgemoor - Adequacy of Consultation Response](#)
- REP006 [Devon County Council - Adequacy of Consultation Response](#)

Panel's First Written Questions

- REP007 [EDF Energy - Response to First Round of Questions](#)
- REP008 [Office for Nuclear Regulation - Response to First Round of Questions](#)
- REP009 [Parents Concerned About Hinkley \(PCAH\) - Response to First Round of Questions](#)
- REP010 [Sedgemoor District Council, West Somerset Council and Somerset County Council - Response to First Round of Questions](#)

Panel's Second Written Questions

- REP011 [Ben Hudson - Response to Second Round of Questions](#)
- REP012 [EDF Energy - Response to Second Round of Questions](#)
- REP013 [Sedgemoor District Council, West Somerset Council and Somerset County Council - Response to Second Round of Questions](#)
- REP014 [Highways Agency - Response to Second Round of Questions](#)
- REP015 [Otterhampton Parish Council - Response to Second Round of Questions](#)
- REP016 [Avon and Somerset Constabulary - Response to Second Round of Questions](#)
- REP017 [Combe House Hotel - Response to Second Round of Questions](#)
- REP018 [Somerset Tourism Association - Response to Second Round of Questions](#)
- REP019 [MMO - Response to Second Round of Questions](#)
- REP020 [Fairfield Estate - Second Round of Questions](#)
- REP021 [Environment Agency - Response to Second Round of Questions](#)
- REP022 [Stogursey Parish Council - Response to Second Round of Questions](#)
- REP023 [Taunton Deane Borough Council - Response to Second Round of Questions](#)
- REP024 [Natural England - Response to Second Round of Questions](#)
- REP025 [West Hinkley Action Group - Response to Second Round of Questions](#)
- REP026 [Countryside Council for Wales - Response to Second Round of Questions](#)
- REP027 [Institute of Directors - Response to Second Round of Questions](#)

Rule 17 Request: Questions relating to the Second Issue Specific Hearing

- REP028 [Stogursey Parish Council - Written Comments on the Panel's Questions for 2nd Issue Specific Hearing \(17/18 July 2012\)](#)
- REP029 [Environment Agency - Written Comments on the Panel's Questions for 2nd Issue Specific Hearing \(17/18 July 2012\)](#)
- REP030 [MMO - Written Comments on the Panel's Questions for 2nd Issue Specific Hearing \(17/18 July 2012\)](#)

- REP031** [MMO - Further Comments on the 2nd Issue specific Hearing](#)
REP032 [EDF Energy - Written Comments on the Panel's Questions for 2nd Issue Specific Hearing \(17/18 July 2012\)](#)
REP033 [Countryside Council for Wales - Written Comments on the Panel's Questions for 2nd Issue Specific Hearing \(17/18 July 2012\)](#)
REP034 [Stogursey Parish Council \(Searle\) - Written Comments on the Panel's Questions for 2nd Issue Specific Hearing \(17/18 July 2012\)](#)
REP035 [EDF - Written Comments on the Panel's Questions for 2nd Issue Specific Hearing \(17/18 July 2012\)](#)

Comments on Local Impact Reports, Relevant Representations and Written Representations

- REP036** [Stop Hinkley - Comments to First Written Questions](#)
REP037 [Otterhampton Parish Council - Comments on Local Impact Report, Written Representation\(s\) and Panel's Written Questions](#)
REP038 [Natural England - Comments on Relevant Representation\(s\) and Written Representation\(s\)](#)
REP039 [RAC Foundation for Motoring \(Durham\) - Comments on Written Representations](#)
REP040 [Avon and Somerset Constabulary - Comments on Local Impact Reports & Written Representation\(s\)](#)
REP041 [Paul Gripton - Comments on Local Impact Report and Written Representation\(s\)](#)
REP042 [Environment Agency - Comments on Local Impact Reports, Relevant Representation\(s\) and Written Representation\(s\)](#)
REP043 [EDF Energy - Comment on Other Interested Parties Submissions](#)
REP044 [Fairfield Estate - Comments on Local Impact Report and Written Representation\(s\)](#)
REP045 [Innovia Cellophane Limited and Innovia Films Limited - Comments on Local Impact Report\(s\) and Written Representation\(s\)](#)
REP046 [Somerset County Council, West Somerset Council and Sedgemoor District Council - Comments on Local Impact Report\(s\), Relevant Representation\(s\),](#)
REP047 [EDF Energy - Comments on Local Impact Report\(s\)](#)

Comments on Somerset County Council, West Somerset District Council and Sedgemoor District Council's Revised Local Impact Report

- REP048** [EDF Energy - Errata - Comments on the Revised Local Impact Report](#)
REP049 [Otterhampton Parish Council - Errata - Comments on the Revised Local Impact Report](#)
REP050 [RAC Foundation for Motoring - Comments on revised Local Impact Report](#)

Comments on the Draft Development Consent Order (1)

- REP051** [Nuclear Decommissioning Agency - Comments on Revised Draft DCO](#)
REP052 [Otterhampton Parish Council - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
REP053 [Somerset County Council, West Somerset Council and Sedgemoor District Council](#)
REP054 [NHS Somerset and Bridgwater Bay Health Federation - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
REP055 [Highways Agency - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
REP056 [Avon & Somerset Constabulary - Comments on updated draft DCO](#)

- REP057** [\(revision 1\) received by 05 July 2012](#)
[Fairfield Estate - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
- REP058** [Hallam Land Management - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
- REP059** [Cllr Leigh Redman - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
- REP060** [Marine Management Organisation - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
- REP061** [Natural England - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
- REP062** [Countryside Council for Wales - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
- REP063** [Bridgwater Town Council - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
- REP064** [Stogursey Parish Council - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
- REP065** [Environment Agency - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
- REP066** [Cannington Parish Council - Comments on updated draft DCO \(revision 1\) received by 05 July 2012](#)
- REP067** [HP Cycle Group - Errata - Comments on updated draft DCO \(revision 1\) received by 05 July 2012 and revised Local Impact Report](#)

Comments on EDF Energy Documents

- REP068** [Cllr Leigh Redman - Comments on EDF's 12 July Docs](#)
- REP069** [The Coal Authority - Comments on EDF's 12 July Docs](#)
- REP070** [Fairfield Estate - Comments on EDF's 12 July Docs & Panel's Questions from Second Issue Specific Hearing](#)
- REP071** [Roy Pumfrey - Comments on EDF's 12 July Docs](#)
- REP072** [Natural England - Comments on EDF's 12 July Docs](#)
- REP073** [Countryside Council for Wales - Comments on EDF's 12 July Docs & Panel's Questions from Second Issue Specific Hearing](#)
- REP074** [Environment Agency - Comments on EDF's 12 July Docs](#)
- REP075** [John White - Comments on EDF's 12 July Docs](#)
- REP076** [Marine Management Organisation - Comments on updated draft DCO \(revision 1\) received by 12 July 2012](#)

Responses to Rule 17: Compulsory Acquisition Information

- REP077** [Hallam Land Management Ltd - Comments on EDF's Response to Rule 17 Request for Further Information on Compulsory Acquisition and Land Issues](#)
- REP078** [Environment Agency - Comments on EDF's Response to Rule 17 Request for Further Information on Compulsory Acquisition and Land Issues](#)
- REP079** [Somerset County Council, West Somerset Council and Sedgemoor District Council - Comments on EDF's Response to Rule 17 Request for Further Information on Compulsory Acquisition and Land Issues](#)

Comments on Responses to Panel's Second Questions

- REP080** [Stogursey Parish Council - Comments on Responses to the Panel's Further Written Questions](#)
- REP081** [Otterhampton Parish Council - Comments on Responses to the Panel's Further Written Questions, EDF 12 July documents and Questions from the Second Issue Specific Hearing](#)

- REP082** [Hallam Land Management - Comments on Responses to the Panel's Further Written Questions & EDF 12 July documents](#)
- REP083** [EDF Energy - Comments on Responses to the Panel's Further Written Questions](#)
- REP084** [Sedgemoor District Council, Somerset County Council and West Somerset Council - Comments on Responses to the Panel's Further Written Questions and Questions from Second Issue Specific Hearing](#)
- REP085** [Taunton Deane Borough Council - Comments on Responses to the Panel's Further Written Questions](#)

Responses to Rule 17 on Compulsory Acquisition and Land Representations

- REP086** [EDF Energy - Response to the request for further information made by the Panel on 18th May 2012](#)
- REP087** [EDF - Appendices to response - to the request for further information made by the Panel on 18th May 2012](#)

Responses to Rule 17 on the Statement of Reasons and Other Matters

- REP088** [EDF - Response Energy to the request for further information made by the Panel on 27 July 2012](#)

Responses to Rule 17 dated 30 August and 3 September 2012

- REP089** [EDF - Response to Rule 17 Requests 30 Aug and 3 Sept](#)

Comments on EDF's response to Rule 17 Request (30 August and 3 September)

- REP090** [West Somerset and Sedgemoor District Council comments of EDF response to Rule 17 \(30 August and 3 September\)](#)
- REP091** [Environment Agency comments of EDF response to Rule 17 \(30 August and 3 September\)](#)
- REP092** [Fairfield Estate comments of EDF response to Rule 17 \(30 August and 3 September\)](#)
- REP093** [Stoqursey Parish Council comments of EDF response to Rule 17 \(30 August and 3 September\)](#)

Responses to Rule 17: Article 33c

- REP094** [Environment Agency - Response to Rule 17 Request on Article 33C](#)
- REP095** [EDF Energy and Natural England - Response to Rule 17 Request on Article 33C](#)

Comments on documents supplied by The Marine Management Organisation on the Harbour Empowerment Order (HEO)

- REP096** [Fairfield Estate \(Waller\) - Comments on MMO Documents](#)
- REP097** [Countryside Council for Wales \(Chris Uttley\) - Comments on MMO Documents](#)
- REP098** [Steve Smith - Comments on MMO Documents](#)
- REP099** [Sedgemoor District Council - Comments on MMO Documents](#)
- REP100** [EDF - Comments on MMO Documents](#)
- REP101** [Environment Agency Comments on MMO Documents, RIES & Other Issues](#)

Comments on the Report on Implications for European Sites (RIES)

- REP102** [Countryside Council for Wales \(Chris Uttley\) - Comments on RIES](#)
- REP103** [Natural England - Comments on RIES](#)
- REP104** [EDF - Comments on RIES](#)

Comments on the draft Development Consent Order (2) and Signed s106 Agreement

- REP105** [Network Rail - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP106** [Peter Berrington - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP107** [Highways Agency \(Ashman\) - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP108** [Environment Agency \(Payne\) - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP109** [Natural England \(Lischak\) - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP110** [West Somerset Council \(Goodchild\) - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP111** [Sedgemoor District Council & Somerset County Council - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP112** [Cecily Collingridge - Response to Draft DCO and Signed Planning Agreement \(Engrossed version\)](#)
- REP113** [Cannington Parish Council \(Beasley\) - Comments on s106 31st August version](#)
- REP114** [CCW \(Uttley\) - Response to Draft DCO and Signed Planning Agreement \(Engrossed version\)](#)
- REP115** [Fairfield Estate - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP116** [Stogursey Parish Council \(Searle\) - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP117** [Cllr Leigh Redman - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP118** [Taunton and Dean Borough Council \(Rhodes\) - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP119** [Barbara Oates - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP120** [Otterhampton Parish Council - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP121** [John White - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP122** [Christopher Gwyntopher - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP123** [West Hinkley Action Group \(WHAG\) - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP124** [Stockland Bristol Parish Council - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP125** [Bridgwater Town Council - Response to Draft DCO and Signed Planning Agreement 31st August version](#)
- REP126** [Taunton and Dean Borough Council and North Somerset Council - Withdrawal of letter submitted 15 August 2012](#)
- REP127** [Mr Browning - Response to Draft DCO and Signed Planning Agreement](#)

- REP128** [EDF Energy Final Response to Comments \(Cover Letter\) 31st August version](#)
REP129 [EDF Energy - Final Response to Comments on Draft DCO and Signed Planning Agreement](#)

Other Submissions Accepted by the Panel

- REP130** [EDF - Letter regarding s145\(2\) status](#)
REP131 [Avon & Somerset Constabulary - Comments on EDF Responses to Socio Economic ISH](#)
REP132 [David Coles](#)
REP133 [Cheddar Parish Council - Paul Fineran](#)
REP134 [John Coxon on behalf of Martin Bunney](#)
REP135 [Adrian Goolden](#)
REP136 [Durleigh Parish Council - Chris Sidaway](#)
REP137 [John White](#)
REP138 [Janet M Willis](#)
REP139 [Matthew Willis](#)
REP140 [Andrew Vickery](#)
REP141 [Steve Smith](#)
REP142 [Innovia - Late comments on EDF's Response to Rule 17 Request for Further Information on Compulsory Acquisition and Land Issues](#)
REP143 [Bridgwater Sports and Social Club \(Andrew Farkas\)](#)
REP144 [West Hinkley Action Group - Late submission - Comments on EDF's Response to the Panel's 1st Round of Written Questions](#)
REP145 [Cllr Lesley Flash - Late submission - Commenting on EDF's Response to the Panel's 1st Round of Written Questions](#)
REP146 [Stogursey Parish Council - Late Submission - Commenting on EDF's Response to the Panel's 1st Round of Written Questions](#)
REP147 [Sue Flint](#)
REP148 [John White](#)
REP149 [Freight Quality Partnership - Ryan Bunce](#)
REP150 [Submission by Bridgwater and Albion Rugby Football Club Limited \(S Smith\)](#)

PROJECT DOCUMENTS

Preliminary Works Information

- PD001 [Preliminary Works Decision Notice](#)
- PD002 [Preliminary Works Plan 1](#)
- PD003 [Preliminary Works Plan 2](#)
- PD004 [Preliminary Works Plan 3](#)
- PD005 [Preliminary Works Plan 4](#)
- PD006 [Preliminary Works Plan 5](#)
- PD007 [Preliminary Works Plan 6](#)
- PD008 [Preliminary Works Plan 7](#)
- PD009 [Preliminary Works Plan 8](#)
- PD010 [Preliminary Works Plan 9](#)
- PD011 [Preliminary Works Plan 10](#)
- PD012 [Preliminary Works Permission Annex 1](#)
- PD013 [Preliminary Works Permission Annex 2](#)
- PD014 [Preliminary Works Permission Annex 3](#)
- PD015 [Preliminary Works Permission Annex 4](#)
- PD016 [Preliminary Works Permission Annex 5](#)
- PD017 [Preliminary Works Permission Annex 6](#)
- PD018 [Preliminary Works Permission Annex 7](#)
- PD019 [Preliminary Works Permission Annex 8](#)
- PD020 [Preliminary Works Permission Annex 9](#)
- PD021 [Preliminary Works Permission Annex 10](#)
- PD022 [Preliminary Works Permission Annex 11](#)
- PD023 [Preliminary Works Permission Annex 12](#)
- PD024 [Preliminary Works Permission Annex 13](#)
- PD025 [Preliminary Works Obligations pages 1 to 44](#)
- PD026 [Preliminary Works Obligations pages 45 to 95](#)

Other Relevant Planning Permissions

- PD027 [Planning permission and legal agreement in respect of the NE Bridgwater application](#)
- PD028 [Planning Permission Decision Notice by SDC for the Steart Peninsula Environment Agency application](#)
- PD029 [Plans which accompany the planning permission granted by SDC for the Environment Agency's Steart Peninsula planning application](#)
- PD030 [Cover letter and planning permissions relating to private access road between Comwich Wharf and the C182 highway](#)

Supporting Documents

- PD031 [Post Application Correspondence on Consultation](#)
- PD032 [Code of Construction Practice \(CoCP\)](#)
- PD033 [Updated Code of Construction Practice \(CoCP\)](#)
- PD034 [DCO Traffic Incident Management Plan \(TIMP\)](#)
- PD035 [Construction Workforce Travel Plan \(CWTP\)](#)
- PD036 [Highway Works Position Statement](#)
- PD037 [Combined Heat and Power Study \(zip file\)](#)
- PD038 [DCO Navigation Document 31 August \(Annexes contain CoCP and TIMP\)](#)
- PD039 [Application by NNB for Permit - Combustion Activities](#)
- PD040 [Application by NNB for Permit - Water Discharges](#)
- PD041 [Application by NNB for Radioactive Substances](#)
- PD042 [Draft Permit Combustion Activities](#)
- PD043 [Draft Permit Radioactive Substances](#)

PD044 [Draft Permit Water Discharge](#)

Local Impact Reports

- PD045** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Cover letter explaining the submission of revisions to the Local Impact Report](#)
- PD046** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including local impact report, executive summary and appendix A](#)
- PD047** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including Appendix B](#)
- PD048** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including Appendix C 10 - 12](#)
- PD049** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including Appendix C 13 - 23](#)
- PD050** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including Appendix C 2.1 - 2.6 and document list](#)
- PD051** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including Appendix C 2.22 - 2.36](#)
- PD052** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including Appendix C 2.37 - 2.44](#)
- PD053** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including Appendix C 2.45](#)
- PD054** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including Appendix C 2.46 - 2.48](#)
- PD055** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including Appendix C 2.49 - 2.60](#)
- PD056** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including Appendix C 2.7 - 2.21](#)
- PD057** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including Appendix C 3](#)
- PD058** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Local Impact Report including Appendix C 4 - 9](#)
- PD059** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Errata - revised Local Impact Report in response to the post submission changes to the application](#)
- PD060** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Addendum A - revised Local Impact Report in response to the post submission changes to the application](#)
- PD061** [Sedgemoor District Council, West Somerset Council and Somerset County Council - Addendum B - revised Local Impact Report in response to the post submission changes to the application](#)
- PD062** [Bath and North East Somerset Council - Local Impact Report](#)
- PD063** [North Somerset Council - Local Impact Report](#)
- PD064** [Taunton Deane Borough Council - Local Impact Report](#)
- PD065** Unallocated References
-
- PD068**

Statements of Common Ground

- PD069** [EDF Energy and Quantock AONB - Statement of Common Ground](#)
[EDF Energy and North Somerset Council - Statement of Common](#)
- PD070** [Ground](#)
- PD071** [EDF Energy and Highways Agency - Statement of Common](#)
[Ground](#)
- PD072** [EDF Energy and Internal Drainage Board - Statement of Common](#)
[Ground](#)
- PD073** [EDF Energy and English Heritage - Statement of Common Ground](#)
- PD074** [EDF Energy and Taunton Deane Borough Council - Statement of](#)
[Common Ground](#)
- PD075** [EDF Energy and Somerset County Council, West Somerset Council](#)
[& Sedgemoor District Council - Statement of Common Ground](#)
[Explanatory schedule \(03\)](#)
- PD076** [EDF Energy and Somerset County Council, West Somerset Council](#)
[& Sedgemoor District Council - Statement of Common Ground](#)
- PD077** [Somerset County Council - Statement of Common Ground](#)
[Explanatory schedule \(01\) letter](#)
- PD078** [West Somerset Council and Sedgemoor District Council -](#)
[Statement of Common Ground Explanatory schedule \(02\) letter](#)
- PD079** [EDF Energy and Marine Management Organisation - Statement of](#)
[Common Ground](#)
- PD080** [EDF Energy and Natural England - Statement of Common Ground](#)
- PD081** [EDF Energy and the Environment Agency - Statement of Common](#)
[Ground](#)
- PD082** [EDF Energy and the Countryside Council for Wales - Statement of](#)
[Common Ground](#)
- PD083** [EDF Energy and Bridgwater Bay Wildfowler's Association -](#)
[Statement of Common Ground](#)
- PD084** [EDF Energy and Sedgemoor District Council, Somerset County](#)
[Council & West Somerset Council - Statement of Common Ground](#)
- PD085** [EDF Energy and Avon & Somerset Constabulary - Statement of](#)
[Common Ground](#)

Marine Management Organisation Licence and Harbour Empowerment Order

- PD086** [Harbour Empowerment Order - Decision Report](#)
- PD087** [Harbour Empowerment Order - Environmental impact assessment](#)
[consent decision](#)
- PD088** [Harbour Empowerment Order - Explanatory memorandum to the](#)
[order](#)
- PD089** [Harbour Empowerment Order - Record of Habitats Regulations](#)
[assessment](#)
- PD090** [Harbour Empowerment Order - The Hinkley Point Harbour](#)
[Empowerment Order 2012](#)
- PD091** [Harbour Empowerment Order - The Planning Inspectorate's](#)
[Inquiry report](#)
- PD092** [MMO Marine Licence \(Construction\)](#)
- PD093** [MMO Marine Licence \(Dredged Material\)](#)
- PD094** [Revised HRA Marine Related Requirements Since 12 July](#)
- PD095** [MMO - Marine Licence Update](#)
- PD096** [EDF Letter re Marine Licences consultation responses](#)

Environment Agency: Appropriate Assessment

- PD097** [Environment Agency - Appropriate Assessment Exec Summary](#)
- PD098** [Environment Agency - Appropriate Assessment](#)
- PD099** [Environment Agency - Permit Consultation Summary](#)

- PD100 [Environment Agency - Review of NNB Dose Assessment](#)
- PD101 [Environment Agency - Navigation documents](#)

Draft Development Consent Order and s106

- PD102 [EDF - Updated Draft Development Consent Order and Proposed Mitigation \(6 May\)](#)
- PD103 [EDF Energy Doc - Updated DCO \(12 July\)](#)
- PD104 [EDF - Final Form DCO s106 Agreement \(excludes annexes\) \(6 August\)](#)
- PD105 [EDF - Comparison of Final Form s106 Agreement \(6 August\)](#)
- PD106 [EDF - Final Form s106 Agreement \(6 August\)](#)
- PD107 [EDF - Updated DCO Document \(6 August\)](#)
- PD108 [EDF - Revised Requirements Document \(6 August\)](#)
- PD109 [EDF - Consolidated Final Form s.106 Agreement Documents 21 August 2012](#)
- PD110 [EDF - Proposed Final Form DCO and appendices \(31 August\)](#)
- PD111 [EDF - Revised Requirements Document \(31 August\)](#)
- PD112 [EDF - Section 106 \(Engrossed Version\) \(31 August\)](#)
- PD113 [EDF - Section 106 Annexes 1-16 \(31 August\)](#)
- PD114 [EDF - Section 106 Plans 1-10 \(31 August\)](#)

Unilateral Deed of Development Consent Obligations

- PD115 [Unilateral Deed of Development Consent Obligations and Parent Company Guarantee](#)

RIES and Transboundary Screening

- PD116 [IPC Hinkley Transboundary Screening Matrix](#)
- PD117 [Planning Inspectorate Hinkley Transboundary Screening](#)
- PD118 [Report on the Implications for European Sites \(RIES\)](#)

Strategic Options Appraisal for Transport Proposals in Bridgwater

- PD119 [West Somerset Council, Somerset County Council and Sedgemoor District Council - A Strategic Options Appraisal of Transport Proposals In Bridgwater \(Covering Email\)](#)
- PD120 [West Somerset Council, Somerset County Council and Sedgemoor District Council - A Strategic Options Appraisal of Transport Proposals In Bridgwater \(Part 1\)](#)
- PD121 [West Somerset Council, Somerset County Council and Sedgemoor District Council - A Strategic Options Appraisal of Transport Proposals In Bridgwater \(Part 2\)](#)
- PD122 [West Somerset Council, Somerset County Council and Sedgemoor District Council - A Strategic Options Appraisal of Transport Proposals In Bridgwater \(Part 3\)](#)
- PD123 [West Somerset Council, Somerset County Council and Sedgemoor District Council - A Strategic Options Appraisal of Transport Proposals In Bridgwater \(Part 4\)](#)
- PD124 [West Somerset Council, Somerset County Council and Sedgemoor District Council - A Strategic Options Appraisal of Transport Proposals In Bridgwater \(Part 5\)](#)

Compulsory Acquisition

- PD125 [Environment Agency - Letter confirming Compulsory Acquisition agreement with EDF](#)
- PD126 [EDF letter confirming Compulsory Acquisition agreement with](#)

- PD127** [Environment Agency](#)
[EDF Energy - Summary of Response to Compulsory Acquisition Questions and Land Representations](#)
- PD128** [EDF - Response to Issues Raised at Compulsory Acquisition Hearing](#)
- PD129** [EDF - Response to Issues Raised regarding Comb 1 at the Compulsory Acquisition Hearing](#)

Further Information

- PD130** [EDF - Clarification proposed heights of the Sea Wall and Reactors](#)
- PD131** [EDF - Withdrawal notice re proposed amendments](#)

Applicant's Certificates

- PD132** [Section 56, Section 59 and Regulation 16 Certificates](#)

HEARING & SITE INSPECTION DOCUMENTS

Preliminary Meeting – 21 March 2012 – North Petherton

- HE001 [EDF Energy - Letter regarding Rule 6 issues](#)
- HE002 [Sedgemoor and West Somerset Councils - Response to Rule 6](#)
- HE003 [Parents Concerned About Hinkley \(PCAH\) - Preliminary Meeting attendance](#)
- HE004 [Mr Farmery \(WHAG\) - Email regarding Stogursey](#)
- HE005 [David Cross & Joan Leeks - Email regarding Stogursey](#)
- HE006 [Stop Hinkley - Email regarding Corruption of Governance](#)
- HE007 [Steve Clarke - Email regarding the appointment of the Examining Authority](#)
- HE008 [Mrs Jane Crowe - Email regarding issues of Governance](#)
- HE009 [Cllr Lesley Flash - Email regard IPC reference](#)
- HE010 [Mr John Lucas - Email regarding Stogursey](#)
- HE011 [Cllr Peter Malim - Email regarding Stogursey](#)
- HE012 [Jean & Graham Howard - Email regarding Stogursey](#)
- HE013 [Mr Richard Cuttell - Email regarding Stogursey](#)
- HE014 [Mrs Oates - Email regarding Stogursey](#)
- HE015 [Ms L S Jones - Email regarding Stogursey](#)
- HE016 [Ms Lesley Flash - Email regarding Stogursey](#)
- HE017 [Ms Susan Goss - Email regarding Stogursey](#)
- HE018 [Revd Kirk - Email regarding merits](#)
- HE019 [Stogursey Parish Council - Email regarding the Preliminary Meeting and Site Visit](#)
- HE020 [Alex Reed - Email regarding Preliminary Meeting attendance](#)
- HE021 [Avon & Somerset Police - Email regarding Preliminary Meeting attendance](#)
- HE022 [Billingham - Email regarding Preliminary Meeting attendance](#)
- HE023 [Bowen - Email regarding Preliminary Meeting attendance](#)
- HE024 [Bown - Email regarding Preliminary Meeting attendance](#)
- HE025 [Bown - Email regarding Preliminary Meeting attendance](#)
- HE026 [Bridgwater Town Council - Email regarding Preliminary Meeting attendance](#)
- HE027 [CCW - Email regarding Preliminary Meeting attendance](#)
- HE028 [Cecily Collingridge - Email regarding Preliminary Meeting attendance](#)
- HE029 [Cllr David Baker - Email regarding Preliminary Meeting attendance](#)
- HE030 [Cllr Lesley Flash - Email regarding Preliminary Meeting attendance](#)
- HE031 [Cllr Michael Lerry - Email regarding Preliminary Meeting attendance](#)
- HE032 [Cllr Trollope-Bellew - Email regarding Preliminary Meeting attendance](#)
- HE033 [David Griffiths - Email regarding Preliminary Meeting attendance](#)
- HE034 [Devon & Somerset Fire and Rescue - Email regarding Preliminary Meeting attendance](#)
- HE035 [Dr Jill Sutcliffe - Email regarding Preliminary Meeting attendance](#)
- HE036 [Durleigh Parish Council - Email regarding Preliminary Meeting attendance](#)
- HE037 [Elizabeth Browning - Email regarding Preliminary Meeting attendance](#)
- HE038 [Elizabeth Browning 2 - Email regarding Preliminary Meeting attendance](#)
- HE039 [Embelton - Email regarding Preliminary Meeting attendance](#)
- HE040 [Fiddington Parish Council - Email regarding Preliminary Meeting attendance](#)

- HE041 [Frances Fawkes - Email regarding Preliminary Meeting attendance](#)
HE042 [G Davis - Email regarding Preliminary Meeting attendance](#)
HE043 [Gifford - Email regarding Preliminary Meeting attendance](#)
HE044 [Highways Agency - Email regarding Preliminary Meeting attendance](#)
HE045 [Innovia Cellophane - Email regarding Preliminary Meeting attendance](#)
HE046 [Jackson-Smith - Email regarding Preliminary Meeting attendance](#)
HE047 [Julian Taylor - Email regarding Preliminary Meeting attendance](#)
HE048 [Lesley Susan Jones - Email regarding Preliminary Meeting attendance](#)
HE049 [Lucinda Garrett - Email regarding Preliminary Meeting attendance](#)
HE050 [Magnox Ltd and NDA - Email regarding Preliminary Meeting attendance](#)
HE051 [Malcolm Reid - Email regarding Preliminary Meeting attendance](#)
HE052 [Moira Allen - Email regarding Preliminary Meeting attendance](#)
HE053 [Ms Sheila Allen - Email regarding Preliminary Meeting attendance](#)
HE054 [Ms Susan Goss - Email regarding Preliminary Meeting attendance](#)
HE055 [Nick Freer - Email regarding Preliminary Meeting attendance](#)
HE056 [Otterhampton Parish Council - Email regarding Preliminary Meeting attendance](#)
HE057 [Parents Concerned About Hinkley \(PCAH\) - Email regarding Preliminary Meeting attendance](#)
HE058 [Quantock Hills AONB Service - Email regarding Preliminary Meeting attendance](#)
HE059 [R H Allen - Email regarding Preliminary Meeting attendance](#)
HE060 [Reed - Email regarding Preliminary Meeting attendance](#)
HE061 [Rev Chadwick - Email regarding Preliminary Meeting attendance](#)
HE062 [Richard Cuttell - Email regarding Preliminary Meeting attendance](#)
HE063 [Roy Pumfrey - Email regarding Preliminary Meeting attendance](#)
HE064 [Roy Pumfrey - Email regarding Preliminary Meeting attendance](#)
HE065 [Shut Down Sizewell - Email regarding Preliminary Meeting attendance](#)
HE066 [South Gloucestershire LA - Email regarding Preliminary Meeting attendance](#)
HE067 [Steve Smith - Email regarding Preliminary Meeting attendance](#)
HE068 [Stop Hinkley1 - Email regarding Preliminary Meeting attendance](#)
HE069 [Stop Hinkley2 - Email regarding Preliminary Meeting attendance](#)
HE070 [South West Against Nuclear \(SWAN\) - Email regarding Preliminary Meeting attendance](#)
HE071 [Terence Howard - Email regarding Preliminary Meeting attendance](#)
HE072 [Tessa Howard - Email regarding Preliminary Meeting attendance](#)
HE073 [Theo Simon - Email regarding Preliminary Meeting attendance](#)
HE074 [Valerie Boxall - Email regarding Preliminary Meeting attendance](#)
HE075 [Linda Allen & Michael Flaxman - Email regarding Preliminary Meeting attendance](#)
HE076 [Charles Gee Bridgwater Ltd - Email regarding Preliminary Meeting Issues](#)
HE077 [Mr Boyd - Email regarding Preliminary Meeting Issues](#)
HE078 [Mr Roy Pumfrey - Email regarding Preliminary Meeting Issues](#)
HE079 [Ms Cecily Collingridge - Email regarding Preliminary Meeting Issues](#)
HE080 [Stop Hinkley - Email regarding Preliminary Meeting Issues](#)
HE081 [Mr Roy Pumfrey - Email regarding Preliminary Meeting Venue](#)
HE082 [John Busby- Email regarding representations](#)
HE083 [Email re rule 6 principal issues Stogursey by Mr John Lucas](#)
HE084 [CLlr Val Bannister - Email regarding scheme changes](#)

- HE085 [Mr Steve Ostler - Email regarding Shurton Site Visit](#)
HE086 [Mr Montague - Email regarding Stogursey](#)
HE087 [Cara Lynch-Blosse - Email regarding Stogursey](#)
HE088 [Mr & Mrs Bartlett - Email regarding Stogursey](#)
HE089 [Mr Cross & Ms Leeks - Email regarding Stogursey](#)
HE090 [Ms Davina Williams - Email regarding Stogursey](#)
HE091 [Cllr Lesley Flash - Email regarding Stogursey Consultation](#)
HE092 [Aubrey Knowles - Email regarding Stogursey](#)
HE093 [West Hinkley Action Group \(WHAG\) - Email regarding Stogursey Issues](#)
HE094 [Mr Richard Cuttell - Email regarding Stogursey Site visit and Representation](#)
HE095 [Jane Taunton - Email regarding Stogursey](#)
HE096 [Cara Lynch-Blosse - Email regarding Stogursey Site Visit](#)
HE097 [Cllr Val Bannister - Email regarding Stogursey Site Visit](#)
HE098 [Graham and Jean Howard - Email regarding Stogursey Site Visit](#)
HE099 [L S Jones - Email regarding Stogursey Site Visit](#)
HE100 [Mr Nigel Robson - Email regarding Stogursey Site Visit](#)
HE101 [Ms Lesley Flash - Email regarding Stogursey Site Visit](#)
HE102 [Julian Lewis - Email regarding Stogursey Site Visit](#)
HE103 [Jane Taunton - Email regarding Stogursey Site Visit](#)
HE104 [Margaret Brown - Further Letter regarding Stogursey](#)
HE105 [Susan Goss - Further Email regarding Stogursey](#)
HE106 [Sue Goss - Further Email regarding Stogursey](#)
HE107 [Email supplying Greenpeace Report about EPR](#)
HE108 [Greenpeace Letter \(PM Issues\)](#)
HE109 [EDF - Letter regarding funding](#)
HE110 [Christopher Gifford - Letter regarding nuclear safety](#)
HE111 [Margaret Roberts - Letter regarding Preliminary Meeting](#)
HE112 [Mrs S E Jones - Letter regarding Preliminary Meeting attendance](#)
HE113 [R G Steel - Letter regarding Preliminary Meeting attendance](#)
HE114 [Christopher Gifford - Letter regarding the Preliminary Meeting](#)
HE115 [West Somerset Council - Letter regarding the Preliminary Meeting](#)
HE116 [Somerset County Council - Letter regarding the Preliminary Meeting](#)
HE117 [John Atton - Letter regarding the project](#)
HE118 [Mrs Margaret Brown - Letter regarding Stogursey](#)
HE119 [Letter to Kerry Rickards from EDF](#)
HE120 [Letter to MP from Leader of West Somerset Council regarding Stogursey & Hinkley Point](#)
HE121 [Combwich Area Immediate Residents - Submission](#)
HE122 [Alan Debenham - Submission](#)
HE123 [Alan Debenham - Submission](#)
HE124 [Cannington PC - Submission](#)
HE125 [Claire and David Jones - Submission](#)
HE126 [Mrs Macnab - Submission](#)
HE127 [Natural England - Submission](#)
HE128 [North Somerset NHS - Submission](#)
HE129 [Parents Concerned about Hinkley \(PCAH\) - Submission](#)
HE130 [Richard George of Greenpeace UK - Submission](#)
HE131 [Somerset Tourism Association - Submission](#)
HE132 [STA - Submission](#)
HE133 [Stop New Nuclear - Submission](#)
HE134 [Susan Flint - Submission](#)
HE135 [West Hinkley Action Group - Submission](#)
HE136 [Tracey Pike - Submission](#)
HE137 [Note of Preliminary Meeting](#)

- HE138 [Audio Recording Section 1](#)
- HE139 [Audio Recording Section 2](#)
- HE140 [Audio Recording Section 3](#)
- HE141 [Audio Recording Section 4](#)
- HE142 [Audio Recording Section 5](#)
- HE143 [Audio Recording Section 6](#)

Open-Floor Hearing – 9 May 2012 – Cannington

- HE144 [EDF's Rule 13 Notice of Open Floor Hearings in May](#)
- HE145 [Information to Interested Parties about Open Floor Hearings](#)
- HE146 [Audio Recording AM - Part 1](#)
- HE147 [Audio Recording AM - Part 2](#)
- HE148 [Audio Recording PM](#)

Open-Floor Hearing – 10 May 2012 – Otterhampton

- HE149 [Audio Recording - Morning Session](#)
- HE150 [Audio Recording - Afternoon Session](#)

Open-Floor Hearing -16 May 2012 – Bridgwater

- HE151 [Audio Recording - Morning Session](#)
- HE152 [Audio Recording - Afternoon Session](#)
- HE153 [Clarification from SDC about oral representations made by Councillors](#)

Open-Floor Hearing – 17 May 2012 – Stogursey

- HE154 [Audio Recording - Morning Session](#)
- HE155 [Audio Recording - Afternoon Session](#)
- HE156 [John Lucas survey](#)
- HE157 [Submission from Mr A Sellick](#)

Issue-Specific Hearing on DCO (1) – 26 and 27 June 2012

- HE158 [Notification of Issue Specific Hearing 26 June](#)
- HE159 [EDF's Rule 13 Notice re June & July Hearings](#)
- HE160 [Issue-specific hearing 26th June - Further information](#)
- HE161 [Audio Recording Day 1 - Morning Session](#)
- HE162 [Audio Recording Day 1 - Afternoon Session](#)
- HE163 [Audio Recording Day 2 - Morning Session](#)
- HE164 [Audio Recording Day 2 - Afternoon Session](#)
- HE165 [Statement to Issue Specific Hearing by Cllr Val Bannister](#)
- HE166 [Statement to Issue Specific Hearing by Sheila Allen](#)
- HE167 [Statement to Issue Specific Hearing by Tom Boyd](#)

Issue-Specific Hearing on DCO (2) - 17 and 18 July 2012

- HE168 Unallocated Reference
- HE169 [Hearing Agenda](#)
- HE170 [Audio Recording 17 July - Morning Session](#)
- HE171 [Audio Recording July 17 - Afternoon Session](#)
- HE172 [Audio Recording July 18 - Morning Session](#)
- HE173 [Audio Recording July 18 - Afternoon Session](#)
- HE174 [CCW response to updated requirements received 5 July 2012](#)
- HE175 [EDF Energy's Updated Requirements](#)
- HE176 Unallocated Reference
- HE177 [EDF Energy's responses to matters raised at issue specific hearing 26 June and other correspondence](#)

- HE178 [Fairfield Estate response to updated requirements received 5 July 2012](#)
- HE179 [Letter by Panel re Questions for ISH 17 July](#)
- HE180 [Natural England response to updated requirements received 5 July 2012](#)
- HE181 [Statement to 2nd Issue Specific Hearing by Barry Prickett](#)
- HE182 [Statement to 2nd Issue Specific Hearing by Thomas Boyd](#)

Issue-Specific Hearing on DCO (3) – 14 August 2012

- HE183 [Rule 13 Notice for Issue Specific Hearings in August](#)
- HE184 [Covering Letter for ISH 14 August Agenda and Questions](#)
- HE185 [14 August ISH - Additional Agenda Items](#)
- HE186 [Audio recording 14 August - Morning session](#)
- HE187 [Audio recording 14 August - Afternoon session](#)
- HE188 [Agreed Position Statement between EDF Energy and Otterhampton Parish Council](#)
- HE189 [Agreed Position Statement between EDF Energy and Port of Bridgwater Harbour Master](#)
- HE190 [Agreed position Statement between EDF Energy and the Fairfield Estate regarding MS15A - The North West Bund](#)
- HE191 [Comments on DCO requirements by Otterhampton Parish Council](#)
- HE192 [EDF Response to Issues Raised at the Third Issue Specific Hearing](#)
- HE193 [EDF Response to Otterhampton PC proposed requirements](#)
- HE194 [Updated Highway Works Position Statement on behalf of EDF Energy and Somerset County Council](#)
- HE195 [EDF's Revised Draft DCO Requirements \(16 August\)](#)
- HE196 [Avon and Somerset Constabulary Submission Following the Third Issue Specific Hearing](#)
- HE197 [Highways Agency Submission following the 3rd Issue Specific Hearing](#)

Issue-Specific Hearing on Socio-Economic Matters – 21 August 2012

- HE198 [Issue-specific hearings 21 to 24 August - Agendas](#)
- HE199 [Applicant Response to Matters Raised at the Issue Specific Hearings 21 to 24 August](#)
- HE200 [Rule 13 Notice for I issue-specific hearings in August](#)
- HE201 [Audio Recording 21st August Session 1](#)
- HE202 [Audio Recording 21st August Session 2](#)

Issue-Specific Hearing on Traffic & Transportation Matters – 22 August 2012

- HE203 [Audio Recording 22 August - Session 1](#)
- HE204 [Audio Recording 22 August - Session 2](#)
- HE205 [Statement to traffic & transportation issue-specific hearing by Tom Boyd](#)
- HE206 [Statement to traffic & transportation issue-specific hearing by William Robert Cudlipp](#)
- HE207 [Highways Agency Submission following issue-specific hearing \(Position Statement\)](#)

Issue-Specific Hearing on Habitats Regulations Assessment & Ecology Matters – 23 August 2012

- HE208 [Audio Recording 23 August - Session 1](#)
- HE209 [Audio Recording 23 August - Session 2](#)
- HE210 [Issue Specific Hearing 23 August - Further Information](#)
- HE211 [Submission following the HRA & ecology issue specific hearing by](#)

- [the MMO](#)
HE212 [Submission following the HRA & ecology issue-specific hearing by the Environment Agency](#)

Issue-Specific Hearing on Combwich – 24 August 2012

- HE213** [Advance Notice of Matter to be raised at the Combwich issue-specific hearing](#)
HE214 [Audio Recording 24 August - Morning Session 1](#)
HE215 [Audio Recording 24 August - Morning Session 2](#)
HE216 [Audio Recording 24 August - Afternoon Session](#)
HE217 [Laydown Area Plan \(illustrative purposes only\)](#)
HE218 [Audio Recording - Supplementary Procedural Meeting](#)
HE219 [Sedgemoor District Council submission following the issue-specific hearing on Combwich](#)

Compulsory Acquisition Hearing – 29 August 2012

- HE220** [Advance Notice of Matter to be Raised](#)
HE221 [Hearing Agenda](#)
HE222 [Audio Recording - 29 August](#)
HE223 [D Johnson - Supporting Material](#)

Open-Floor Hearing – 6 September 2012

- HE224** [John French - Submission to hearing](#)
HE225 [Audio Recording 06 September](#)
HE226 [Statement to open-floor hearing by CBI \(Moore\)](#)

Site Inspection – 11 and 12 April 2012

- HE227** [Site Visit - Associated Development Plans by EDF](#)
HE228 [Proposed Site Visit view points by Stogursey Parish Council](#)
HE229 [Site Visit - Main Site Information by EDF](#)

Site Inspection – 12 September 2012

- HE230** [Accompanied Site Visit Information Pack](#)

KEY CORRESPONDENCE

- COR01** [Letter from West Somerset Council to the Examining Authority regarding the Parish of Stogursey](#)
- COR02** [Letter from the IPC Case Manager to West Somerset Council regarding Stogursey Parish Council](#)
- COR03** [Letter from IPC Deputy Chair to the Leader of West Somerset Council regarding the Parish of Stogursey](#)
- COR04** [Letter to West Somerset Council in response to concerns raised by them about funding during the examination](#)
- COR05** [Letter to Sedgemoor District Council in response to concerns raised by them about funding during the examination](#)
- COR06** [Letter to IPC from West Somerset and Sedgemoor District Councils about funding during the examination](#)
- COR07** Unallocated Reference
- COR08** [Letter referred to in EDF Energy's submission at the Preliminary Meeting that was sent to the CEO of Sedgemoor District Council by EDF Energy regarding funding](#)
- COR09** [Letter to West Somerset Council requesting further information in respect of their request to extend the examination](#)
- COR10** [Letter to Sedgemoor District Council requesting further information in respect of their request to extend the examination](#)
- COR11** [IPC letter to West Somerset DC regarding the extension of the examination timetable](#)
- COR12** [IPC letter to Sedgemoor DC regarding the extension of the examination timetable](#)
- COR13** [Planning Inspectorate reply to Greenpeace regarding the timetabling of the examination](#)
- COR14** [Correspondence regarding examination timetable and planning obligations queries on 27 June by Sedgemoor District Council, Somerset County Council & West Somerset Council](#)
- COR15** [Submission \(1\) made by the District Councils in response to the request for further information by the Panel about extending the examination](#)
- COR16** [Submission \(2\) made by the District Councils in response to the request for further information by the Panel about extending the examination](#)
- COR17** [Submission made by Martin Kingston QC on behalf of West Somerset and Sedgemoor District Councils sent in response to a request for further information from the Panel](#)
- COR18** [Cover letter to the submissions made by the District Councils in response to the request for further information by the Panel about extending the examination](#)
- COR19** [Letter from Greenpeace on the timetabling of the examination](#)
- COR20** [Letter sent to the Panel by West Somerset Council and Sedgemoor District Council in response to the publication of the examination timetable and the decision by the chair of the IPC not to extend the timetable](#)
- COR21** [Letter from Andrew Phillipson \(Lead Member of the Panel\) to Sedgemoor District Council regarding the procedural decision](#)
- COR22** [Letter from Andrew Phillipson \(Lead Member of the Panel\) to West Somerset Council regarding the procedural decision](#)
- COR24** [Planning Inspectorate - Hinkley Deadline Summary \(7 August\)](#)
- COR25** [Councils' letter 8 June requesting clarification about their opportunity to comment on revisions to the DCO and other documents proposed by the applicant](#)
- COR26** [Correspondence regarding examination timetable and planning](#)

- [obligations by Sedgemoor District Council, Somerset County Council & West Somerset Council](#)
- COR27** [Reply to Councils' letter 8 June requesting clarification about their opportunity to comment on revisions to the DCO and other documents proposed by the applicant](#)
- COR28** [Reply to Innovia \(Dickinson Dees\) regarding the withdrawal of objection](#)
- COR29** [Letter from Dickinson Dees regarding the withdrawal of objection by Innovia](#)
- COR30** [Copy of correspondence from Highways Agency to EDF](#)
- COR31** [Copy of correspondence from English Heritage to EDF](#)
- COR32** [Copy of correspondence from Environment Agency to EDF](#)
- COR33** [Letter from West Somerset Council Leader to Chair of IPC regarding Stogursey](#)

APPENDIX C - REQUIREMENTS

Conclusions on Schedule 11 of the DCO - Requirements

- 1 Unless otherwise stated, references to requirements in this Appendix are to the requirements in Schedule 11 of the Applicant's final draft DCO (PD110). These are the requirements which would now be acceptable to the Applicant. They differ from those set out in the application draft DCO (APP277) as the Applicant has responded to a number of the points raised during the course of the examination. The joint Councils are now content with the requirements as set out in Schedule 11 of the Applicant's final draft DCO. Together with the planning and development consent obligations contained in the s106 Agreements dated 17 January (PD025 & PD026) and 31 August 2012 (PD112) respectively, these requirements would serve to mitigate the adverse environmental, social and economic effects of the proposed scheme. We consider Schedule 11 of the Applicant's final draft DCO to be acceptable, except as indicated below.
- 2 Schedule 11 begins with a section headed 'Interpretation', which defines various terms used in the ensuing requirements. The first line of this section reads:

1. – (1) In this Part of this Schedule -

and there then follows a list of definitions. This is potentially confusing for two reasons. First, the initial figure 1 appears to be redundant. The interpretation section contains 6 paragraphs, the numbers of which appear in brackets. Paragraphs (2) to (6) come after the list of definitions. Second, the definitions apply to terms used in the requirements throughout Schedule 11, not solely to terms in a particular part of the Schedule. We conclude that the 'Interpretation' section of Schedule 11 should begin:

(1) – In this Schedule -

The definitions set out in the 'Interpretation' section of Schedule 11 are self-explanatory.

Project-wide requirements

- 3 Project-wide requirements would apply to the whole of the project authorised by the DCO (including the temporary jetty works, the temporary jetty demolition works, and other associated developments). They are prefixed by the letters 'PW'. A number of the project-wide requirements contained in the application draft DCO concern matters that are now dealt with in development consent obligations (PD112) which have been agreed between the Applicant and the relevant local authorities under s106 of the Town and Country Planning Act 1990. Generally, this is because the requirement in question forms part of a suite of mitigation measures which are best considered together, and which include

provision for financial payments to be made by the Applicant for various purposes.

PW1 – Time limits

- 4 Requirement PW1 would provide that the authorised project must commence within 5 years of the date of the DCO. We have considered whether an earlier start date should be imposed, in view of the urgency that the National Policy Statements attach to the development of new nuclear power stations. However, although there are clearly strong arguments in favour of expedition, we conclude that a delay of up to 5 years in commencing development should not cause development consent to expire. Furthermore, in practice, the development of the power station has already begun (albeit not under the powers conferred by the DCO) as a result of works carried out under the site preparation planning permission.

PW2 – Phasing of the Hinkley Point C development site

- 5 Requirement PW2 would provide that Work No 1A (the construction of the proposed electricity generating station) would be carried out in accordance with the project progression set out in section 4.4 of the Construction Method Statement, unless otherwise approved by West Somerset District Council. The Construction Method Statement (APP150) is an annex to the Environmental Statement for the proposed development. We consider that the Interpretation section of Schedule 11 of the DCO should make this clear.
- 6 Figures 4.1 to 4.5 of the Construction Method Statement show indicative phases for the development on the main site, and in the adjacent marine area. We accept that a degree of flexibility would be necessary in phasing a complex project of this sort, and that the construction programme may need to be refined as the development progresses.
- 7 We have considered whether a phasing requirement should apply to the authorised project as a whole, including the proposed associated developments. For instance, it has been put to us that proposed highway improvements, such as the Cannington bypass, should be completed by a specified date, or before construction of the power station began; or that the campus accommodation, the off-site freight handling arrangements, and the park and ride facilities should be provided by defined trigger points in the power station's construction programme. The Fairfield Estate argues that a requirement should be imposed to prevent the project progressing beyond a specified stage before the temporary jetty is operational.
- 8 However, we accept the Applicant's argument that enforcement of phasing requirements in the form of negative ('Grampian')

conditions would be problematic. Delays to progress with associated development projects could arise from a number of causes, ranging from adverse weather conditions, to industrial disputes, to the activities of protestors. If progress on construction of the power station were dependent upon completion of associated development in accordance with specified dates or trigger points, the result might be the repeated interruption of that project. This could have adverse consequences in terms of cost and delay, which could threaten the commercial viability of the proposed development.

- 9 Section 7 of Schedule 11 of the agreed s106 development consent obligations (PD112) commits the Applicant to use reasonable endeavours to carry out and complete off-site associated developments in accordance with the Implementation Plan contained in Annex 14 of that document. On the assumption that development consent is granted early in 2013, the Implementation Plan indicates that the Cannington bypass would become operational early in 2015. The Applicant undertakes not to begin Work No 1A(d) to (h) (construction of the power station) until 6 months after work on the construction of the Cannington bypass has begun; and it proposes the imposition of a requirement to preclude work on the provision of the Combrich freight laydown facility from starting prior to the completion of the Cannington bypass (see draft Requirement C3B).
- 10 The Implementation Plan shows that, by the beginning of 2014, the Junction 24 park and ride and freight management facilities would be operational. The Cannington and Williton park and ride sites would become operational early in 2014. By about mid-2014, the Bridgwater C accommodation campus would be available for occupation, the temporary jetty would be complete, and the Junction 23 park and ride and freight management facility would be operating at partial capacity. The Bridgwater A accommodation campus would come into use during 2015.
- 11 We consider this programme to be reasonable and consider that it would allow an appropriate degree of flexibility. In our view, it would be contrary to the objectives of national policy if unavoidable delay in completing any of the associated development schemes were to interrupt progress toward the completion of the power station. In view of this, we conclude that Requirement PW2, as set out in the Applicant's final draft DCO, is acceptable.

PW3 to PW6 – Buildings and structures

- 12 Requirement PW3 would provide that the erection of buildings and structures on the main power station site must comply with the plans listed in Part 2 of Schedule 1 of the DCO. Requirement PW4 would do likewise for buildings and structures on the associated development sites. Requirement PW5 would preclude the

installation of external materials on any permanent building or structure, without the approval of the relevant local planning authority. Requirement PW6 would preclude the installation of additional plant, equipment or machinery on the roof of any authorised building or structure, without such approval. These provisions are uncontroversial. We support their inclusion in the DCO.

PW7 – Highway works

- 13 Requirement PW7 would ensure that proposed highway works would accord generally with the plans listed in Part 2 of Schedule 1 of the DCO, unless the County Council agreed otherwise. It has been substantially amended in the Applicant’s final draft DCO, following representations from the highway authority.
- 14 The amendments provide that certain of the proposed highway works would not commence until further details of the layout and finished surfaces of that work had been approved by the Somerset County Council. These details are to be in general accordance with the plans contained in Part 2 of Schedule 1 of the DCO. The works in question are:

Work No 4C (the Bridgwater A site access);
 Work No 7B (the Cannington park and ride site access);
 Works Nos 17A/17B (the Wylds Road/The Drove junction);
 Work No 18 (the Broadway/Taunton Road junction); and
 Work No 22 (the Huntworth Roundabout).

In addition, Work No 6A (the Cannington bypass) could not commence until further details of that road’s layout and vertical alignment had been approved by the County Council.

- 15 The amended requirement would also preclude changes to existing finished ground levels and surface water drainage arrangements (other than those shown in the approved plans) at the sites of any of the proposed highway works.
- 16 As amended, this requirement is no longer contentious. We conclude that it should be included in the DCO.

PW8 – Street furniture and lighting

- 17 Requirement PW8 would preclude the installation of street furniture or lighting in connection with specified highway improvement works, until details had been approved by the local planning authority. It is not controversial. We consider that it should be included in the DCO.

PW9 – Environmental mitigation

- 18 The application draft DCO (APP277) contained Requirement PW9, which would have provided for the approval of a detailed schedule

of environmental mitigation measures before the proposed development began. The Applicant now proposes that this should be replaced by specific requirements providing for particular environmental mitigation measures. In addition, the Applicant has provided a 'Mitigation Routemap' (HE199, Appendix 1) showing how mitigation described in the Environmental Statement and associated assessment documents would be secured through requirements and development consent obligations. Accordingly Requirement PW9 is not included in the Applicant's final draft DCO.

PW10 and PW11 – Construction travel plans

- 19 The application draft DCO contained Requirements PW10 and PW11, which would respectively have provided for the approval of a Framework Travel Plan and a separate Construction Workforce Travel Plan. The Construction Traffic Management Plan and the Construction Workforce Travel Plan are now secured by Schedule 11(3) of the agreed s106 development consent obligations (PD112). Accordingly, Requirements PW10 and PW11 are not included in the Applicant's final draft DCO.

PW12 and PW13 – Operational travel plans

- 20 Requirement PW12 would preclude the use of parking facilities at the Hinkley Point C site by staff engaged in the operation of the proposed power station, until an Operational Travel Plan has been approved by West Somerset District Council. Requirement PW13 would preclude use of the proposed Hinkley Point C Public Information Centre until a travel plan for that facility has been approved by the same authority. These requirements are not controversial.

PW14 – Construction traffic routes

- 21 Requirement PW14 of the application draft DCO (APP277) proposed that heavy goods vehicles (HGVs) associated with the Hinkley Point C construction works should use one of two specified routes when travelling to or from the M5 motorway. This matter is now dealt with in the Construction Traffic Management Plan, which is secured through Schedule 11 of the agreed s106 development consent obligations (PD112). Accordingly, Requirement PW14 has been deleted from the Applicant's final draft DCO.
- 22 The Stogursey Parish Council seeks the designation of an additional prescribed route for commercial traffic associated with the proposed development, which would have origins or destinations to the west of the Hinkley Point C site (WREP04). Such traffic would include multi-drop delivery vehicles, including food deliveries. The most direct route to the site from Watchet or Williton would be via Stringston, Burton and Shurton, but this would be along narrow, twisting country roads, which would be

unsuitable for commercial traffic. The Parish Council argues that such traffic, coming from the direction of Williton, should use the A39 as far as Cannington; then the C182 to Hinkley Point. The Parish Council is also keen to ensure that only those buses genuinely picking-up or dropping-off construction workers living or staying in Stogursey should be routed through that village. Similarly, the Fairfield Estate seeks a restriction on large vehicles using local roads through hamlets and villages.

- 23 However, we consider that relatively few HGVs associated with the proposed Hinkley Point C development are likely to travel via Williton; and that it is most unlikely that the drivers of those that do would choose to use narrow and winding country roads. Furthermore, the Construction Traffic Management Plan indicates that, wherever possible, HGVs should use designated freight routes, which include the A39 but not the network of rural lanes to the west of Stogursey and Shurton. In the Construction Workforce Travel Plan, which is also secured through the s106 obligations, the Applicant undertakes that the only buses that would be routed through Stogursey would be no larger than 15-seaters. These might be used to pick-up or drop-off workers living locally, but only if there were a demand for such a service. In the circumstances, we are not persuaded that requirements along the lines sought by the Parish Council and Fairfield Estate would be necessary.

PW15 and PW16 – HGV traffic limits

- 24 In the application draft DCO (APP277) Requirement PW15 set maximum average limits on the daily movements of HGVs along Rodway Hill (C182) immediately to the north of Cannington, together with morning and evening peak hour limits. Requirement PW16 set maximum daily limits for the movement of HGVs. These provisions are now contained in the Construction Traffic Management Plan, which is secured through Schedule 11 of the agreed s106 development consent obligations (PD112). Accordingly, Requirements PW15 and PW16 have been deleted from the Applicant's final draft DCO.
- 25 The Otterhampton and Stogursey Parish Councils seek additional restrictions on the number of HGVs using the C182, particularly at the entrance to (and exit from) the main Hinkley Point C site (WREP20 & WREP04). They refer particularly to HGV movements between Combwich Wharf and the proposed power station construction site, which would not pass through the suggested monitoring point at Rodway Hill. They argue that the volume of heavy traffic passing between Combwich and Hinkley Point would cause considerable severance, inconvenience and loss of amenity to local people.
- 26 We note that the local planning and highway authorities are now content with the proposed arrangements for controlling HGV

traffic generated by the proposed development. Between Combwich and Hinkley Point, the C182 passes through a rural area in which there are very few residential properties. Although HGV traffic travelling between Combwich and the power station site would be additional to the flow monitored at Cannington, we are not persuaded of the need to impose additional controls on the use of this stretch of road.

PW17 – Temporal restriction on HGV movements

- 27 Save in certain specified circumstances, Requirement PW17 would prohibit HGV movements associated with the proposed construction works from using the local highway network between 22:00 and 07:00 on Mondays to Saturdays, or at all on Sundays and Bank Holidays. This would plainly give local residents some welcome relief.

PW18 – Bulk material deliveries for concrete production

- 28 In the application draft DCO (APP277) Requirement PW18 provided that once the temporary jetty was available, not more than 20% of the bulk materials needed for concrete production on the Hinkley Point C development site would be delivered by road. This matter is now covered in Schedule 11 of the s106 development consent obligations (PD112). Accordingly, Requirement PW18 is not included in the Applicant's final draft DCO.

PW19 – Traffic Incident Management Plan

- 29 Requirement PW19 provides for compliance with the Traffic Incident Management Plan. This outlines arrangements for the control of traffic travelling to or from the proposed development in the event of an incident within a defined management area. Such an incident might, for instance, include congestion as a result of a traffic accident or road works; or a nuclear emergency; or a demonstration by protestors.
- 30 The Traffic Incident Management Plan (TIMP) was submitted to us in its final form on 31 August 2012 (PD038). We consider that, to avoid confusion with earlier drafts of that document, this should be made explicit.

PW20 – Waste Management Implementation Strategy

- 31 Requirement PW20 provides for compliance with the Waste Management Implementation Strategy. We consider that the Interpretation section of Schedule 11 of the DCO should make it clear that this strategy was submitted as an annex to the Environmental Statement (APP153). Requirement PW20 also makes provision for the approval of a template for the site waste management plans, which would have to be produced for each

development site in accordance with the Site Waste Management Plan Regulations 2008.

- 32 There is understandable public concern about arrangements for the management and disposal of spent nuclear fuel rods and other radioactive waste. However, it is not within our remit to consider that matter, which will be dealt with by the Office for Nuclear Regulation in considering the application for a site licence. The proposals for managing non-radioactive waste are not controversial, and we support them.

PW21 – Construction Workforce Development Strategy

- 33 In the application draft DCO (APP277) Requirement PW21 provided for compliance with the Construction Workforce Development Strategy, which had been submitted in support of the application for development consent. This matter is now dealt with in Schedule 10 of the agreed s106 development consent obligations (PD112). Accordingly, Requirement PW21 is not included in the Applicant's final draft DCO.

PW22 – Sports Facilities Management Strategy

- 34 Requirement PW22 provides that the proposed construction workers' accommodation campuses will not be brought into use until the Applicant has published proposals for public access to the sports and leisure facilities that would be integral to those developments. The proposals must provide for at least 12 hours public access on weekdays (Monday to Friday) including some access between 18:00 and 22:00; and at least 4 hours access during weekends. We consider that this would help offset the loss of public recreational facilities that would result from the proposed development, and alleviate the increased pressure on the remaining facilities available for public use.

PW23, CB4, CP4 and C3A – Off-site associated development sites: working hours

- 35 Requirement PW23 provides for the regulation of working hours on construction and post-operation activities at certain associated development sites. However, it would not apply to the proposed works at Combrich, or the proposed Cannington park and ride or bypass, which are the subject of site specific requirements controlling working hours. For other off-site associated developments, unless otherwise approved by the local planning authority, working hours would be limited to 07:00 to 19:00 on weekdays (excluding public holidays), and 07:00 to 13:00 on Saturdays, with no working on Sundays.
- 36 Requirements CB4, CP4 and C3A(1) would provide for marginally reduced working hours respectively on the construction of the Cannington bypass, the Cannington park and ride, and the refurbishment and extension of Combrich Wharf. Requirement

C3A(2) would provide that construction and demolition works at the Combwich freight laydown facility would follow the standard project-wide working hours for associated development sites.

- 37 Certain non-intrusive and internal activities, such as electrical installation, would be excluded from these controls, as would start-up and shut-down periods. These periods might extend for up to 30 minutes before the beginning and after the end of each working day. They would allow for the arrival or departure of workers; changing into or out of work clothes; and pre-job briefing. We consider the limitations imposed by each of these requirements to be reasonable.

PW24 and PW25 – Subject Specific Management Plans and the Code of Construction Practice

- 38 In the application draft DCO (APP277) Requirements PW24 and PW25 respectively provided for construction works to be carried out in accordance with a suite of subject specific management plans, which had been submitted as annexes to the Environmental Statement. These were to cover matters such as air quality, land contamination, water management, noise and vibration, excavated materials and pollution incident control.
- 39 The Applicant now proposes that these matters should be the subject of a Code of Construction Practice, the final version of which is dated 14 September 2012 (PD033). In the Applicant's final draft DCO, Requirement PW24 has been amended to provide that construction of the authorised project must be carried out in accordance with the Code of Construction Practice, unless otherwise approved by the local planning authority. Requirement PW25 has been deleted from the final draft DCO.
- 40 The joint Councils and the Environment Agency have now agreed all outstanding issues regarding the Code of Construction Practice. However, the Fairfield Estate considers the Code to be imprecise and unenforceable (REP115). It argues that many of the controls proposed by the Code lack objective measures against which performance might be assessed. Some would apply only 'where feasible' or 'where practicable' or be subject to similar qualifications. Section 1.3 of the Code refers to the preparation of Construction Environmental Management Plans (CEMPs) by the Applicant's contractors. But there is no enforceable provision in the DCO to ensure that this would be done. If and when CEMPs were prepared, they would be issued in draft to relevant statutory bodies (such as the local authorities or the Environment Agency) 'if requested'. However, approval of the CEMPs would rest with the Applicant, which may choose not to follow any comments made by the statutory regulatory bodies.
- 41 We recognise that many of the provisions of the Code of Construction Practice amount to 'good housekeeping' principles,

which do not lend themselves to precise, objective measurement. Exhortations to contractors to '*avoid dry sweeping large areas*' so as to limit the generation of dust, or to '*minimise drop heights*' so as to minimise noise, seem sensible, though insufficiently precise to be enforceable. But other enforceable requirements are imposed elsewhere in Schedule 11 of the DCO to deal specifically with potential problems of air quality and construction noise.

- 42 'Good housekeeping' measures may well be qualified by considerations of practicability or feasibility. For instance, the Code of Construction Practice requires contractors to '*inspect haul routes for integrity and instigate necessary repairs to the surfaces as soon as is reasonably practicable*'. That does not seem to be unreasonable or unenforceable, although enforcement would probably be secured through contractual arrangements between the Applicant and its contractors.
- 43 Paragraph 1.3.1 of the Code of Construction Practice contains an explicit requirement for each construction contractor to provide a CEMP to the Applicant, to ensure that the relevant provisions of the Code would be addressed. It provides that the CEMPs would be available to the relevant statutory bodies before the start of the construction works in question. Those provisions seem to us to be both reasonable and enforceable.
- 44 Paragraph 5.2.1 of the Code of Construction Practice restricts the external use of amplified sound throughout the construction project (including the temporary jetty) except in the case of emergencies and emergency drills. This addresses an issue raised by the Fairfield Estate, which seeks replication of Condition 7 of the Hinkley Point Harbour Empowerment Order 2012 (HEO) prohibiting the use of amplified sound.
- 45 We conclude that Requirement PW24 should be included in the DCO, in its amended form. However, since the Code of Construction Practice has been through several iterations, and for the avoidance of doubt, we consider that the Requirement should make explicit reference to the version dated 14 September 2012.

PW26 – Ministry of Defence Communications Protocol

- 46 Requirement PW26 would provide for the preparation and implementation of a protocol for informing the Ministry of Defence of the movement of vessels associated with the proposed development in the vicinity of the neighbouring Lilstock Firing Range. This is plainly necessary for safety reasons.

PW27 – Use of temporary associated development sites

- 47 Requirement PW27 provides that the temporary associated development sites would be used only in connection with the authorised project, and that their use would cease upon completion of the Hinkley Point C construction works. In the

application draft DCO (APP277) the temporary associated development sites were defined in the Interpretation section of Schedule 11. For reasons that are unclear, this definition has been omitted from the Applicant's final draft DCO. We consider that it should be reinstated. The sites in question are the sites of:

Work No 3 (Hinkley Point C accommodation campus);
 Work No 4A (Bridgwater A accommodation campus);
 Work No 5A (Bridgwater C accommodation campus);
 Work No 7A (Cannington park and ride);
 Work No 8A (i) to (p) (Combwich freight laydown);
 Work No 9A (Junction 23 facilities);
 Work No 10 (Junction 24 facilities); and
 Work No 11 (Williton park and ride).

Subject to this, we consider that Requirement PW27 should be included in the DCO.

PW28 – Cross-shore platform erosion and sediment transport monitoring plan

- 48 Requirement PW28 has been introduced into the Applicant's final draft DCO for conservation reasons, following representations by the Environment Agency, Natural England and the Countryside Council for Wales. It would prohibit work on construction of the proposed sea wall, temporary jetty, cooling water intakes and outfalls, and fish return outfalls before the approval of a Cross-shore Platform Erosion and Sediment Transport Monitoring Plan by the Marine Management Organisation. The plan would include trigger points at which appropriate contingency measures would be taken. We consider that Requirement PW28 should be included in the DCO, in the interests of nature conservation.

PW29 – Information dissemination and complaint handling

- 49 Condition G36 of the site preparation planning permission (PD001) requires the establishment of systems for providing information about the proposed site preparation works to local residents, and for handling complaints. Requirement PW29 would extend this to cover the whole of the authorised project. Following consultation with Somerset County Council and Sedgemoor District Council, the Applicant would have to submit details of the extended systems to West Somerset District Council for approval before work authorised by the DCO could begin. We consider an arrangement of this sort to be necessary for the protection of the amenity of local residents.

PW30 – No burning of materials

- 50 Condition G10 of the site preparation planning permission (PD001) prohibits the burning of materials or waste on the Hinkley Point C site during site preparation works. Requirement PW30 would extend this prohibition to the whole of the authorised

development. This would clearly help protect the amenity of local people.

PW31 – Previously unidentified contamination

- 51 Requirement PW31 would establish a procedure for dealing with the discovery of previously unidentified contamination on any of the development sites in the authorised project. In essence, work on the contaminated part of the site would cease until details of remediation had been approved by the local planning authority and put into effect. We consider this to be appropriate.

PW32 – Shelduck and non-breeding birds monitoring and mitigation schemes

- 52 Requirement PW32 has been introduced into the Applicant's final draft DCO in response to representations made by Natural England. It provides that the improved Combwich Wharf and the proposed temporary jetty would not be brought into operation until monitoring and mitigation schemes for Shelduck and non-breeding birds had been approved. We consider this requirement to be justified in the interests of nature conservation.
- 53 Natural England have drawn attention to an error in one of the references in Requirement PW32 as set out in the Applicant's final draft DCO. The Applicant has confirmed that the words '*Temporary Jetty Development Shelduck Monitoring Strategy (ref: E52.2, November 2011)*' should be replaced by the words '*Temporary Jetty Development Principles for an Adaptive Shelduck Monitoring Strategy (ref: NE/9.1)*'. We agree.

PW33 – Noise monitoring scheme (off-site associated development sites)

- 54 Requirement PW33 would provide for noise monitoring schemes to be approved by the relevant local planning authority, before any of the off-site associated developments (excluding certain road improvements) could begin. The schemes would cover construction and demolition works. They would also include contingency measures, to be applied if noise emission levels set out in the Code of Construction Practice (PD033) were exceeded.
- 55 We consider this requirement to be justified in the interests of residential amenity. Separate requirements would provide for noise monitoring on the Hinkley Point C site, and for the monitoring of operational noise from Combwich Wharf.

PW34 – Piling techniques

- 56 Requirement PW34 would apply to the installation of piles needed for the construction of the proposed power station, the temporary jetty, and cooling water infrastructure. It would require the use of best practice methods, including 'soft start' techniques. It has

been introduced in response to representations made by the Environment Agency and Natural England. We consider it to be justified in the interests of nature conservation.

Other proposed project-wide requirements

Dredging

- 57 Natural England are concerned that the supply of sediment in the Severn Estuary Special Area of Conservation (SAC) should be maintained, in order to replenish intertidal habitats following the erosion of material (REP061). Accordingly, they consider that a requirement should be imposed to prevent the disposal of dredged material outside the Severn Estuary SAC.
- 58 Dredging is planned in connection with provision of the temporary jetty and berthing pocket, the installation of the cooling water infrastructure for the proposed power station, and the improvement and use of Comwich Wharf. The marine licence for the berthing pocket indicates that dredgings are to be disposed of within the SAC at the Cardiff Grounds. However, marine licences are yet to be issued for the installation of the cooling water infrastructure or the proposed works at Comwich Wharf.
- 59 Accordingly we consider that an additional project-wide requirement (PW35) should be included in Schedule 11 of the DCO as follows:

Dredged material arising from the authorised project shall not be disposed of except within the Severn Estuary SAC.

Requirements for site preparation works

- 60 The site preparation works requirements shown in the Applicant's final draft DCO are prefixed by the letter 'P'. They would apply to Work No 1A(a) to (c) carried out pursuant to the DCO. They correspond to certain of the conditions imposed by the site preparation planning permission (PD001). After service of the transitional notice, site preparation works would be authorised by the DCO. It is clearly important that these works should be regulated by requirements which reflect certain of the existing planning conditions. In a number of cases, the wording used in these requirements has been amended to replicate that used in conditions imposed on the Harbour Empowerment Order for the temporary jetty.
- 61 The requirements for site preparation works listed in Table 1 below are not controversial. We consider them to be necessary, relevant, precise, enforceable and reasonable; and we support their inclusion in the DCO. However, we do not discuss them in detail in this report. We deal with other requirements relating to site preparation works below.

Table 1

DCO Requirement	Corresponding Planning Condition	Subject
P1	G31	Tree protection
P2	FP14	Reptile protection
P4	G32	Archaeology – buried assets
P5	G33	Archaeology – historic buildings
P6	G34	Archaeology – historic hedgerows
P7	G37	Preservation of Green Lane
P8	SP15	Preservation of fossils
P9	SP22	Preservation of Wick Barrow (Scheduled Monument)
P11	G35	Use of oil interceptors
P11A	FP4/SP1	Surface and foul drainage
P12	SP2	Approval of details of Holford Stream culvert and earthworks
P14A	SP11	Remediation of known contamination
P14B	G20	Storage of oils, fuels etc
P14C	G5	Treatment of former spoil mound
P15	SP10	Radiological monitoring
P16	FP7	Clearance of vegetation
P16A	FP1	Ecological Mitigation and Monitoring Plan
P16B	FP3	Habitats Management Plan
P17	FP10	HGV emissions
P18	SP5	Foreshore access road details
P19	SP7	Prevention of encroachment of vehicles into intertidal area

P20	SP8	Warning notices
P21	SP9	Retaining wall details

62 It should be noted that site preparation works carried out under the DCO would also be subject to requirements prefixed 'MS', which would regulate all authorised development on the main Hinkley Point C site.

P3 – Ecology: wildlife mitigation - bats

63 Requirement P3 corresponds with Condition FP15 of the site preparation permission (PD001). It would provide for measures to maintain bat flight corridors, and for the creation, retention and enhancement of bat habitat areas.

64 We consider these requirements to be necessary in the interests of nature conservation. However, Requirement P3 could sensibly be merged with Requirements MS1A and MS1H to provide a single requirement relating to the conservation of bats. We return to this in considering those requirements below.

P10 – Public information and complaints handling

65 The application draft DCO (APP277) contained Requirement P10, which corresponded with Condition G36 of the site preparation permission (PD001) and was to have provided for the dissemination of information and complaints handling. This has now been subsumed into Requirement PW29, which would apply project-wide and renders Requirement P10 unnecessary.

P13 – Flood Risk Management Strategy

66 The application draft DCO (APP277) contained Requirement P13 (which corresponded with Condition SP3 of the site preparation permission (PD001)). This would have precluded the development of the proposed culvert and earthworks in the Holford Stream valley, prior to the approval of a flood risk management strategy. The Applicant's Flood Risk Assessment (APP078) indicates these earthworks could potentially increase the impact of tidal flooding on various third party properties around Stolford, by displacing floodwater. The flood risk management strategy required by Condition SP3 would include provision for the management of '*existing sea defences protecting third party flood risk receptors*' and '*specify the scope, monitoring regime and remedial repair schedule for the sea defences ...*'.

67 Provision is now made in Schedule 12 of the agreed s106 development consent obligations (PD112) for a payment to be made to establish a Stolford Area Flood Fund, which would finance the management and mitigation of flood risk in the Stolford area.

Accordingly, Requirement P13 has been omitted from the Applicant's final draft DCO.

- 68 However, the Environment Agency refer to paragraph 5.7.17 of NPS EN-1, which applies where an increase in flood risk cannot be avoided or wholly mitigated. It indicates that, in these circumstances, development consent may be granted if the decision-maker is satisfied that the increase in flood risk can be mitigated to an acceptable level.
- 69 Although the Applicant has agreed to contribute £80,000 to the Stolford Area Flood Fund, for the purpose of mitigating and managing flood risk in the Stolford area, the Environment Agency consider further mitigation to be necessary (REP108). This would entail the Applicant monitoring the sea defences after extreme tidal or weather events, along the frontage of the proposed power station site, and to the east as far as Stolford village. Any damage would be reported to the Environment Agency in a timely manner, in advance of the Agency's annual inspection, thereby enabling the Agency to take any necessary precautionary steps. To this end, the Environment Agency seek an additional DCO requirement to read as follows:

No development shall occur until a flood risk management strategy has, after consultation with the Environment Agency, been submitted to and approved by West Somerset District Council.

- 70 The Applicant has offered to enter into a side agreement with the Environment Agency to provide for the monitoring of sea defences on a 'good neighbour' basis. However, it resists the imposition of a requirement to this effect. We note that the earthworks in the Holford Stream valley would be permanent, and that their effect on flood risk would probably persist beyond the period of the working life and decommissioning of the proposed power station. Nevertheless, we consider that the proposed flood risk management strategy could help mitigate the aggravated threat during that period. We consider that a requirement along the lines sought by the Environment Agency would be justified and have included this as Requirement P13 in Appendix D.

P14 – Previously unidentified contamination

- 71 The application draft DCO (APP277) contained Requirement P14, which would have corresponded with Condition G38 of the site preparation permission (PD001) concerning the treatment of previously unidentified contamination. This has now been subsumed into Requirement PW31, which would apply project-wide. Requirement P14 can therefore be omitted.

P22 – Landscape and visual: concrete batching plants

- 72 Requirement P21 corresponds with Condition SP12 of the site preparation permission (PD001). It would provide for concrete batching plant and associated silos to be finished in a neutral colour and matt finish. In the context of the DCO, these structures would constitute permitted development falling within Class A of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. Nevertheless, we consider this requirement to be justified in the interests of visual amenity, particularly having regard to the likely scale and duration of the permitted development, and the sensitivity of the surrounding countryside. For the avoidance of doubt, we consider that Requirement P22 should be prefaced by the words 'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification)

P25 – Withdrawal of permitted development rights: sleeping accommodation

- 73 Requirement P25 corresponds with Condition G22 of the site preparation permission (PD001). Its effect would be to withdraw permitted development rights to station temporary sleeping accommodation for construction workers on the Hinkley Point C site. It has been introduced at the request of the local planning authority and is supported by the Stogursey Parish Council and the Fairfield Estate.
- 74 Given that express consent is sought for on-site campus accommodation for 510 construction workers, we consider Requirement P25 to be justified, in view of the potential pressure that additional on-site residents might place on local services and the local environment. Furthermore, we can see no good reason why this requirement should apply only to the site preparation works, rather than throughout the construction of the proposed power station. Accordingly, we consider that the words 'at any time during the construction of the power station' should be inserted in Requirement P25, immediately after the word 'workers'.

P26 – Air quality monitoring

- 75 Requirement P26 corresponds with Condition FP5 of the site preparation permission (PD001). It provides for the submission, approval and implementation of an air quality monitoring scheme, and outlines details of the matters to be contained in such a scheme. These include the establishment of trigger levels for PM10, PM2.5 and Total Suspended Particles; the location of monitoring sites; arrangements for notifying West Somerset District Council of the results of monitoring; and action to be

taken if trigger levels are exceeded. The requirement states explicitly that the air quality monitoring scheme would apply throughout Work No 1A(a) but makes no reference to Work No 1A(b) or 1A(c). Work No 1A(c) would include substantial earthworks.

- 76 Arrangements for an air quality monitoring scheme to cover Works No 1A(d to p), 1B and 1C, are set out in Requirement MS1B of the final draft DCO. We consider the co-existence of Requirements P26 and MS1B to be potentially confusing. The Fairfield Estate points out that there could be a gap in control between the end of Work No 1A(a) and the beginning of Work No 1A(d) (REP115).
- 77 We consider that there would be merit in extending the scope of Requirement MS1B (with minor amendments) to cover Work No 1A(a) to (c). In that case, Requirement P26 would be redundant and should be omitted from the DCO. We return to this matter below.

P27 – Noise and vibration; control during construction and maintenance

- 78 Requirement P27 corresponds with Condition FP6 of the site preparation permission (PD001). It provides for the submission, approval and implementation of a noise management scheme, and outlines the matters to be covered by such a scheme, including measures to be taken if noise limits are breached. The requirement states explicitly that the noise management scheme would apply throughout Work No 1A(a) but makes no reference to Work No 1A(b) or 1A(c).
- 79 Arrangements for a noise monitoring scheme to cover Works No 1A(d to p), 1B and 1C, are set out in Requirement MS3C of the final draft DCO. We consider the co-existence of Requirements P27 and MS3C to be potentially confusing. The Fairfield Estate points out that there could be a gap in control between the end of Work No 1A(a) and the beginning of Work No 1A(d) (REP115).
- 80 We consider that there would be merit in extending the scope of Requirement MS3C (with minor amendments) to cover Work No 1A(a) to (c). In that case, Requirement P27 would be redundant and should be omitted from the DCO. We return to this matter below.

P28 – Groundwater monitoring

- 81 Requirement P28 corresponds with Condition SP16 of the site preparation permission (PD001). It provides for the submission, approval and implementation of a scheme for the management and monitoring of groundwater levels and quality. It is clearly necessary in the interests of environmental protection. The requirement states that the approved management scheme would

apply throughout Work No 1A(a) but makes no reference to Work No 1A(b) or 1A(c).

82 Arrangements for a groundwater monitoring scheme are also contained in Requirement MS1D. We consider the co-existence of Requirements P28 and MS1D to be potentially confusing. The Fairfield Estate points out that there could be a gap in control between the end of Work No 1A(a) and the beginning of Work No 1A(d) (REP115).

83 We consider that there would be merit in extending the scope of Requirement MS1D (with minor amendment) to cover Work No 1A(a) to (c). In that case, Requirement P28 would be redundant and should be omitted from the DCO. We return to this matter below.

Other conditions of the site preparation permission

84 The Fairfield Estate points out that a number of the conditions to which the site preparation planning permission (PD001) is subject have not been translated into requirements in the Applicant's final draft DCO (REP57, Appendix 2). They argue that this should be remedied by the inclusion of additional DCO requirements to control site preparation works as follows.

Compliance with approved drawings

85 Condition G2 of the site preparation permission requires the authorised development to be carried out in accordance with the approved drawings as listed. The Fairfield Estate considers that a corresponding requirement should be included in the DCO.

86 However, Article 2 of the draft DCO would provide for the authorised development (which would include the site preparation works) to be carried out in accordance with the approved plans. In view of this, we do not consider a further requirement to be necessary.

Working hours

87 Conditions G6, G8 and G27 of the site preparation permission respectively limit the hours during which works or construction activity can be undertaken. In each case, the permitted hours are 07:00 to 18:00 on Mondays to Fridays; and 07:00 to 13:00 on Saturdays. However, we are not persuaded that these restrictions should be translated into DCO requirements.

88 The Applicant intends that work on the construction of the power station could continue for 24 hours a day, on 7 days a week. Although the Fairfield Estate, the Stogursey Parish Council and a number of individuals have made representations about this, we consider that, provided adequate controls are in place to mitigate nocturnal noise and disturbance, the working hours regime

proposed would be acceptable and would reflect the urgent need to complete the development of the power station as soon as possible, in accordance with national policy. We can see no good reason why a more restrictive regime should apply to the site preparation works.

External storage of contractors' materials

- 89 Condition G9 of the site preparation permission prohibits the external storage of contractors' materials to a height in excess of 4m. Condition 5 of the HEO (PD090) imposes a similar prohibition. However, we do not consider that such a restriction should be imposed as a requirement of the DCO. The construction of the proposed power station would clearly require large quantities of materials and big components, which would need to be held on site. Requirement MS1F would make provision for a plan to regulate the stockpiling of materials. As discussed below, we consider that this should regulate the dimensions of semi-permanent stockpiles that would be in place for over a year.
- 90 We have considered the argument that particular areas, away from the site boundaries, should be designated for high stockpiles and the storage of large components. However, we consider that this would be likely to lead to inflexibility in the use of the construction site, which could delay completion of the proposed power station. This project would undoubtedly have a considerable visual impact, which has been assessed in the Environmental Statement. We are not persuaded that a restriction on the storage of materials on certain parts of the site would have a significant effect on that impact.

Use of concrete batching plant

- 91 Condition G14 of the site preparation permission provides that the concrete batching plant to be installed may be used only for the purposes of trial mixes and the production of batches of concrete to be used on site. We see no reason for this condition to be replicated as a DCO requirement. The DCO would permit the ancillary use of the site for the production of concrete to be used in the authorised project (including trial mixes). The use of the land to batch concrete for any other purpose would entail an act of development requiring planning permission.

General Permitted Development Order: temporary use of adjoining land

- 92 Condition G23 of the site preparation permission states that, notwithstanding the provisions of Part 4 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) no land adjoining the site shall be used for the provision of temporary buildings, works, plant or

construction machinery, unless the written approval of the local planning authority has first been obtained.

- 93 We consider that this condition should be replicated as a DCO requirement. Some land outside but adjoining the site would be close to residential properties in Shurton and Knighton. Its use in the manner described could potentially have a serious adverse effect on the amenity of neighbouring residents, which has not been assessed. We consider that such use, which would otherwise constitute permitted development, should be restricted; and that that restriction should apply throughout Works 1A, 1B and 1C, rather than to just to the period of the site preparation works. Accordingly, we consider that the restriction should be included as Requirement MS27 of the DCO.

GPDO: temporary use of site

- 94 Condition G24 of the site preparation permission states that none of the rights contained in Part 4 Class B of the GPDO shall be exercised, unless the written approval of the local planning authority has first been obtained. Part 4 Class B provides that permitted development includes the use of any land for any purpose for not more than 28 days in any calendar year (of which not more than 14 days may be for the holding of a market or for specified motor sports). The reason given for imposing Condition G24 is 'to provide control over the temporary development of the site'.

- 95 We see no reason why this withdrawal of permitted development rights should be replicated in the DCO. Paragraph 87 of Circular 11/95 states that:

Save in exceptional circumstances, conditions should not be imposed which ... restrict permitted development rights. ... The Secretaries of State would regard such conditions as unreasonable unless there were clear evidence that the uses excluded would have serious adverse effects on amenity or the environment.

We are not aware of any such evidence.

GPDO: demolition of buildings

- 96 Condition G25 of the site preparation permission withdraws the permitted development rights that would otherwise be available under Part 31 of Schedule 2 to the GPDO. These include the right to demolish buildings and means of enclosure. The reason given for the condition is 'to provide control over demolition of buildings and structures on the site'. Once again, we are guided by paragraph 87 of Circular 11/95. We know of no special circumstances that would justify the withdrawal of these permitted development rights. Accordingly, we do not consider

that Condition G25 of the site preparation permission should be replicated by a requirement in the DCO.

Vehicle movements

- 97 Condition G28 of the site preparation permission sets limits on the number of cars and minibuses that can access the site. However, the use of cars to access the site during the construction period would now be controlled by means of parking permits, as set out in the Construction Workforce Travel Plan. This is secured through Schedule 11 and Annex 13 of the agreed s106 development consent obligations (PD112 & PD113).
- 98 The use of buses to convey construction workers from the off-site accommodation campuses, park and ride sites and nearby settlements would be central to the Applicant's transport strategy. Plainly, it would help limit the number of cars approaching the Hinkley Point C site via the rural road network. In the circumstances, no useful purpose would be served by restricting the number of buses that could have access to the site.
- 99 Furthermore, site preparation works as authorised by the DCO might well proceed alongside construction activities on different parts of the site. Given the scope for increasing numbers of workers to be engaged on the site as the project progresses, the limits on cars and buses specified in Condition G28 of the site preparation permission would almost certainly need to be revised. We do not consider that this condition should be translated into a DCO requirement.

Clearway

- 100 Condition FP11 of the site preparation permission provides for the establishment of a clearway between the Hinkley Point C site and Claylands Corner on the C182. A corresponding DCO requirement is no longer sought by the local planning or highway authorities. If it should become desirable to establish a clearway along this stretch of road, the highway authority would have the power to initiate the appropriate action. We do not consider that a DCO requirement would be necessary in respect of this matter.

Construction and Environmental Management Plan (CEMP)

- 101 Condition SP18 of the site preparation permission provides for a CEMP to be approved by the local planning authority before work on Phase 2 of the authorised development begins. However, future CEMPs would be prepared by the Applicant's contractors, in accordance with paragraph 1.3.1 of the Code of Construction Practice, as secured by draft DCO Requirement PW24. Specific DCO requirements would cover such matters as drainage and water quality; the storage of oils, fuels and chemicals; noise; air quality; and pollution incidents. We do not consider it necessary

that condition SP18 of the site preparation permission should be replicated in a DCO requirement.

Parking

- 102 Conditions SP27 and SP28 of the site preparation permission deal with parking arrangements. For development authorised by the DCO, parking arrangements would be governed by the Construction Workforce Travel Plan, which is secured by Schedule 11 of the agreed s106 development consent obligations (PD112). On-site car parking would be limited to 300 spaces (200 for employees and 100 for visitors). Access to these spaces would be by a permit system. Construction workers would not be permitted to travel to the site by motorcycle. In view of these arrangements, we do not consider the replication of Conditions SP27 and SP28 as DCO requirements to be necessary.

Requirements for the Hinkley Point C site

- 103 Requirements for the main construction site of the proposed Hinkley Point C power station are prefixed by the letters 'MS'. They would regulate the development of Works Nos 1A, 1B and 1C, including the site preparation works.

MS1A and MS1H – Wildlife mitigation measures - bats

- 104 Requirement MS1A would preclude Works Nos 1A(d) to (p), 1B and 1C from beginning until bat habitat creation and enhancement works have been completed on an area of 15ha, in a location to be agreed with Natural England and the Somerset County, West Somerset and Sedgemoor District Councils. The 15ha site would be additional to 10ha of 'bat mitigation land' secured under Schedule 5 of the site preparation s106 agreement (PD25). The 25ha of bat habitat so formed would be retained until earthworks and planting proposed for the Landscape Restoration Area in Requirement MS16 have been completed. This would ensure the continuous availability of habitat for barbastelle bats (a protected species found on the site) thereby addressing a concern raised by Natural England.
- 105 Requirement MS1H would provide for the bat mitigation measures set out in Requirement P3 to be retained and enhanced in accordance with approved details, unless and until further or revised details of areas of created or enhanced bat habitat have been approved by West Somerset District Council. We consider that Requirements P3, MS1A and MS1H could sensibly be integrated into a single requirement (MS1A) to deal with the conservation of bats. This would read as follows:
1. Before haul roads are brought into use, and before vegetation is removed to create gaps in hedgerows of over 10m, mitigation measures to maintain bat flight corridors across haul roads and along hedgerows shall be installed,

as set out in the Environmental Statement (Volume 2, Chapter 20, paragraph 20.6.1). These mitigation measures shall be retained until replacement areas of bat habitat have been created or enhanced, in accordance with a scheme to be submitted to and approved by West Somerset District Council, in consultation with Natural England and Somerset County Council.

2. Notwithstanding the 10ha of bat mitigation land secured by the site preparation permission s106 agreement, Works Nos 1A(d) to (p), 1B and 1C shall not commence until bat habitat creation and enhancement works have been completed on an additional area of 15ha, in a location to be agreed with the local planning authority, in consultation with English Nature and the Somerset County Council.
3. Unless otherwise agreed by the local planning authority, in consultation with Natural England and the Somerset County Council, the bat creation and enhancement works shall be carried out in accordance with the specification set out in Schedule A of 'Further Clarification in relation to barbastelle bats', dated July 2011.
4. The bat habitation and enhancement works on the additional area of 15ha referred to in paragraph (2) above, and the 10ha of bat mitigation land secured by the site preparation permission s106 agreement (identified on Plan 6 to that deed), shall be retained until earthworks and planting in the Landscape Restoration Area have been completed in accordance with Requirement MS16.

MS1B – Air quality monitoring scheme

- 106 Requirement MS1B would preclude Works Nos 1A (d) to (p), 1B and 1C from starting until an air quality monitoring scheme has been submitted to and approved by West Somerset District Council. Like Requirement P26, it outlines the matters to be contained in such a scheme. These include the establishment of a methodology for monitoring levels of PM10, PM2.5 and Total Suspended Particles; the location of monitoring sites; arrangements for notifying West Somerset District Council of the results of monitoring; and action to be taken if trigger levels are exceeded.
- 107 The Fairfield Estate argues that the air quality monitoring locations should include a point close to the north-western boundary of the application site (REP057). There is arable farmland in this area, and the Estate contends that excessive dust generated by the proposed development could have an adverse effect on crop production, and on farm workers who may spend prolonged periods in close proximity to the development site. The Estate also asserts that dust could have an adverse effect on the

amenity of users of a public right of way that runs through this area.

108 We accept the proposition, advanced in the Environmental Statement, that vegetation is less sensitive than humans to dust deposition. Arable agriculture may itself generate a certain amount of dust, which would already affect workers to some extent. Users of public rights of way are unlikely to be as sensitive as residents to fugitive dust. Their exposure is likely to be transient and short-lived. On balance we are not persuaded of the case for monitoring the effect of the proposed development on air quality in agricultural fields adjoining the application site.

109 We consider that air quality monitoring should continue throughout the construction of Work No 1A, and during any subsequent site restoration and landscaping, which could entail substantial earthworks. In view of the similarity between Requirements P26 and MS1B, we consider that there would be merit in their integration and rationalisation. A revised Requirement MS1B, which would apply to the whole of Works Nos 1A, 1B and 1C, would then read as follows:

- (1) Works Nos 1A, 1B and 1C shall not commence until an air quality monitoring scheme has been submitted to and approved by the West Somerset District Council. The details shall include:
 - (a) the air quality monitoring methodology, including monitoring of ambient particles (PM10, PM2.5, and Total Suspended Particles), wind speed and direction, temperature, relative humidity and rainfall;
 - (b) monitoring locations, including sites at (or near to) Doggetts, Knighton Farm, Head Weir House (west of Wick Village) and Yellow Door Cottage (Shurton);
 - (c) arrangements for real-time logging of air quality over averaging periods of not less than 15 minutes, with remote interrogation and downloading;
 - (d) trigger levels, and arrangements for automatic notification of West Somerset District Council and the site manager when these are exceeded;
 - (e) steps to be taken in the event that the hourly mean concentration of PM10 exceeds $200\mu\text{g}/\text{m}^3$;
 - (f) the identity of persons to carry out visual inspections in order to review the potential for dust nuisance and, in the event of dust nuisance complaints being received, to help quantify the actual or potential dust nuisance;

(g) measures to ensure that any diesel fuel used on site shall be ultra-low sulphur diesel (ULSD) (<10mgS/kg).

(2) The details of the air quality monitoring scheme may be revised from time to time, subject to the approval of the West Somerset District Council. The approved air quality monitoring scheme shall be implemented not less than one month prior to the commencement of the development and continue throughout the Works Nos 1A, 1B, 1C, and subsequent landscaping and restoration works.

MS1C and MS1D – Surface and ground water monitoring

110 Requirement MS1C would preclude Works Nos 1A(d) to (p), 1B and 1C from starting until a scheme for monitoring the quality of the Holford Stream (including its phosphorus content) has been approved by West Somerset District Council. It is not controversial and should be included in the DCO.

111 Requirement MS1D would preclude dewatering from starting until a scheme for the management and monitoring of groundwater levels has been approved by West Somerset District Council. Requirement P28 also makes provision for a scheme for the management and monitoring of groundwater. We consider that there would be merit in merging these two requirements in an amended Requirement MS1D as follows:

(1) No development, including dewatering, shall commence until a scheme for the management and monitoring of groundwater has, following consultation with the Environment Agency, been submitted to and approved by West Somerset District Council. The scheme shall include details of arrangements for the submission of monitoring results to the West Somerset District Council, and of arrangements to respond to groundwater contamination.

(2) Details of the groundwater monitoring scheme may be revised from time to time, subject to the approval of the West Somerset District Council following consultation with the Environment Agency.

(3) The scheme shall be implemented as approved throughout Works Nos 1A, 1B and 1C.

MS1E, MS1F and MS1G – Soil management and infill material

112 Requirement MS1E would provide that construction works be carried out in accordance with Sections 2 to 4 of the Soil Management Plan, which is annexed to the Environmental Statement. The Fairfield Estate considers that the Applicant should be required to submit further details of soil management to the local planning authority for approval, to ensure that soil would

be appropriately stripped and stored pending reinstatement (REP115). However, West Somerset District Council does not seek such a requirement, and we do not consider it to be necessary.

- 113 Requirement MS1F would preclude stockpiling on the site, until a Materials Stockpile Plan has been approved by West Somerset District Council. This would show the location, composition, movement and duration of any stockpile that would be in place for longer than one year.
- 114 The Fairfield Estate proposes a more specific restriction, limiting the height of stockpiles of aggregates adjacent to the north-west site boundary to 8m (REP57, p26). We consider that the Materials Stockpile Plan should enable the local planning authority to control the dimensions of stockpiles that are likely to be in place for over a year, in view of their potential long-term visual impact. We propose that Requirement MS1F should be amended accordingly. The Environment Agency consider that Requirement MS1F should apply project-wide. However, we are not persuaded that this would be necessary.
- 115 Requirement MS1G would limit infill materials to be used on the site to uncontaminated rock, subsoil, brick rubble and other inert substances. This requirement is not contentious, but we consider that it should apply project-wide and be renumbered PW36.

MS1 – Construction development

Temporary buildings and structures

- 116 Requirement MS1(1) would provide that structures, plant and uses necessary for the proposed construction works must be built and used in accordance with the Construction Method Statement and the Construction Parameter Plan (Figure 4.6). These documents are contained in Annex 2 to the Environmental Statement (APP150). We consider that this should be made clear in the Interpretation section of Schedule 11 of the DCO.
- 117 The Fairfield Estate notes that the Construction Parameter Plan would authorise the erection of extremely tall temporary buildings and structures, which could have an adverse visual effect on the adjacent 'heritage land' (REP115 pp34-40). For instance, buildings and structures up to 75m AOD (ie 55m above the proposed ground level of 20m AOD) could be erected in Construction Zone 3, adjacent to the north-west site boundary. Much taller structures would be permissible elsewhere on the site. The number, height, location and duration of such buildings and structures are unknown. The Estate argues that the Environmental Statement does not contain an adequate assessment of their impact. They consider that additional paragraphs should be added to Requirement MS1 as follows:

(1) *Any buildings, structures, plant, equipment, hoardings and means of enclosure required temporarily in connection with the construction works for the site located in Zone 3 shall be subject to the following height restrictions:*

(a) *prior to the completion of Works 1A(a) to (c) and TJ1 to TJ3: 40m AOD;*

(b) *following the completion of construction of Works 1A(a) to (c) and TJ1 to TJ3: the heights set out in section 4.3 of the Construction Method Statement and the Construction Parameter Plan (figure 4.6).*

(2) *The above height restrictions shall not apply to mobile cranes or moveable plant, stairways or scaffolding.*

118 The Fairfield Estate also points out that parts of the site do not fall within any of the Construction Zones shown on the Construction Parameter Plan. It is not clear that any limit would apply to the height of temporary buildings or structures erected in these areas. The Stogursey Parish Council support the points made by the Fairfield Estate.

119 In considering these representations, we have had particular regard to Part 4, Class A, of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). This indicates that the provision on land of buildings, structures, works, plant or machinery required temporarily in connection with (and for the duration of) operations being (or to be) carried out on that land, is permitted development. Conditions require that, when the specified operations have been completed, this permitted development shall be removed and the land which it has occupied shall be reinstated. There are no restrictions on the height or design of permitted development in this Class.

120 The Fairfield Estate asserts that it could not have been Parliament's intention to authorise, as permitted development, 'the construction of buildings of up to 75m AOD in height, of any design, which could be constructed across the site and remain in situ for 12 years or more'. It argues that this stretches the understanding of what would normally be considered 'temporary'.

121 However, we do not consider the relevant part of the GPDO to be either ambiguous or uncertain. It is not necessary for us to construe its meaning by reference to assumptions about Parliament's intentions. The Environmental Statement assesses the impact of the proposed development as a whole, rather than the impact of particular temporary buildings or structures that may be provided as permitted development. The heights shown for each Construction Zone in the Construction Parameter Plan have been taken as the maxima for assessment purposes. We consider this to be a reasonable approach, given that the precise

configuration of the temporary buildings and structures that would be required is not currently known.

- 122 We do not consider that there are exceptional circumstances in this case which would justify the removal of the permitted development right set out in Part 4, Class A. The proposed nuclear power station would consist of a complex of enormous buildings. Its construction would inevitably require the provision of temporary buildings and structures of great height, including cranes, silos, hoppers, batching plants, storage sheds and workshops. It is reasonable to assume that the prospective developers would not wish to incur the cost of erecting taller structures or buildings than would be necessary to do the job. In the circumstances, we are not persuaded of the need to amend Requirement MS1 of the draft DCO.
- 123 Those parts of the site which fall outside of the Construction Zones in the Construction Parameter Plan are generally reserved for landscaping and stockpiling. No tall temporary buildings or structures are planned in these areas.

Other provisions of Requirement MS1

- 124 Requirement MS1(2) would provide, for the avoidance of doubt, that construction works to the south of 144750mN would be limited to those associated with the construction of the proposed emergency access road (including the bridge over the Bum Brook) and landscaping. Requirement MS1(3) would provide that, following completion of Work No 1A, all temporary structures, plant and equipment needed for the construction of the development would be removed, and the site would be restored in accordance with Requirements MS15 and MS16. These provisions are not contentious.

MS2 – Permanent fencing

- 125 Requirement MS2 would require details of permanent security fences, walls and other means of enclosure to be approved by West Somerset District Council, prior to their erection, having regard to guidance provided by the Office of Nuclear Regulation. It is not controversial.

MS3 –Noise

- 126 Requirement MS3(1) sets out construction noise limits, to be determined at the nearest residential receptor outside Work No 1A. It would apply to Works Nos 1A to 1C, 2A to 2H, and TJ0 to TJ3, including the removal of temporary construction development and landscape restoration. The noise limits would be:

Monday to Saturday

07:00 to 19:00 – 65 dB LAeq, 1 hour;
19:00 to 23:00 – 60 dB LAeq, 1 hour;
23:00 to 07:00 – 45 dB LAeq, 1 hour;

Sundays and Bank Holidays

07:00 to 19:00 – 60 dB LAeq, 1 hour;

19:00 to 23:00 – 55 dB LAeq, 1 hour;

23:00 to 07:00 – 40 dB LAeq, 1 hour.

- 127 Requirement MS3(2) would provide that, exceptionally, the noise limit set for Monday to Saturday between 07:00 and 19:00 could be exceeded during particular construction or demolition activities of short duration, when an increased threshold of up to 75 dB LAeq, 1 hour would apply. Local residents and West Somerset District Council would be notified of these exceptional occasions at least 48 hours in advance. The number and duration of these instances would be limited as approved by the Council. Requirement MS3(3) provides for monitoring pursuant to the details set out in Requirement MS3C.

Objections to MS3

- 128 The Fairfield Estate points out that the noise limits specified in Requirement MS3 exceed the guidelines recommended by the World Health Organisation (WHO) as the levels of noise which could have adverse health effects (WREP43). The level of 65 (which is prescribed for weekdays) has been identified by the WHO as affecting normal speech. The WHO guidance suggests that the maximum allowable night time noise level for all new developments should be 40 dB LAeq, wherever feasible. The Estate contends that there is no justification for setting the limit for Hinkley Point C at a higher level. More recent 'Night Noise Guidelines for Europe', issued by the WHO, specify a nocturnal noise level of 42 dB outside dwellings, as the threshold at which effects have been observed in terms of wellbeing, sleep quality and medical conditions.
- 129 The Fairfield Estate argues that the noise limits should apply outside any dwelling, rather than 'at the nearest residential receptor'. It also considers that the 'local residents' who would be notified of the application of the 75 dB LAeq, 1 hour threshold should be more precisely identified (REP115).
- 130 The Stogursey Parish Council is opposed to nocturnal construction work (WREP04). However, if this is considered to be essential, a night-time limit of 40 dB LAeq should be applied. The same limit should apply to daytime working on Sundays and Bank Holidays. Furthermore, nocturnal construction activities should be confined to the area north of Green Lane and limited in scope, in line with the following additional requirement:

Construction work between the hours of 22:00 and 07:00 is to only take place north of Green Lane, and to consist of only the following activities:

pre-placement of materials for subsequent shifts;
essential plant maintenance and repair;
de-watering operations;
refuelling;
unloading activities at the jetty;
radiography of welds;
fixing of concrete formwork and reinforcing bars;
welding of the reactor containment liners;
continuation of large concrete pours exceeding 18 hours;
tunnelling activities.

Our conclusions on MS3

- 131 In considering these matters, we note that the WHO guidelines are not endorsed in national planning policy. The limits specified in the DCO are intended as maxima rather than targets. Given the distance between the main construction activities and the nearest dwellings, and the intervening landform and vegetation, we would not expect those limits to be reached frequently. An external nocturnal noise level of 45 LAeq, 1 hour would probably imply a corresponding internal noise level of less than 35 dB LAeq, 1 hour when allowance is made for attenuation due to walls and windows. This would not normally be sufficient to result in sleep disturbance.
- 132 We are concerned, however, that the equivalent continuous sound level averaged over an hour (LAeq, 1 hour) may mask the effect of loud noises of short duration, such as may occur (for example) when objects are dropped from a great height. We fear that this could be a potential source of sleep disturbance to local residents. Accordingly, we consider that a maximum nocturnal noise limit should apply to construction works between 23:00 and 07:00 when measured outside neighbouring residential properties. We sought guidance on what this limit should be, in the absence of any generally agreed standard. We were told that the World Health Organisation suggest that a limit of 60 dB L_{Amax} should not be exceeded on more than a specified number of occasions each night, when measured outside residential premises. However, a single loud noise can be sufficient to disturb sleep irretrievably. In view of this, we consider that the limit to be applied should be determined by a single noise, and should be set at 65 dB L_{Amax}. Once again, having regard to the attenuation provided by walls and windows, this would probably imply a maximum noise level of less than 50 dB inside bedrooms.
- 133 We do not consider that a daytime external noise level of 65 dB LAeq, 1 hour would have a major adverse effect on amenity inside the adjacent residential accommodation. The sound of construction work might well disturb some residents when outside in their gardens. However, although regrettable, it seems to us that this would be an unavoidable consequence of the proposed

development. On balance, we find the noise limits specified for the periods 07:00 to 23:00 to be reasonable.

- 134 We consider that the lower nocturnal noise limit specified for Sundays and Bank Holidays could give rise to problems of interpretation. For instance, it is not clear whether this limit would apply from 23:00 on a Saturday night to 07:00 on a Sunday morning; or from 23:00 on a Sunday night to 07:00 on a Monday morning; or from midnight to 07:00 on a Sunday morning, and again between 23:00 and midnight on the same day. In any event, if nocturnal noise limits of 45 dB LAeq, 1 hour and 65 dB LAmax would be sufficient to protect residents from sleep disturbance, we can see no particular justification for a lower limit to apply on Sundays and Bank Holidays. Accordingly, we consider the limit for Sundays and Bank Holidays between 23:00 and 07:00 should be amended to 45 dB LAeq, 1 hour.
- 135 Given the proposed restriction on construction noise levels, we see no need to prohibit nocturnal construction activities, or to confine them to particular tasks to be carried out only in the area north of Green Lane. Twenty-four hour working would expedite the completion of the power station, in line with Government policy.
- 136 We consider that the term 'nearest residential receptor' may give rise to problems. It is not wholly clear whether this means nearest to the site boundary, or nearest to the source of the construction noise. In our view, protection should be given to all residents in the vicinity of the application site. To achieve this, the words '... at the nearest residential receptor' should be replaced by the words '... at the façade of any dwelling'.
- 137 We consider that a notification scheme should be agreed with the local planning authority, to ensure that all the local residents likely to be affected by the application of the higher (75 dB) noise threshold would receive advance warning. Accordingly, we consider that the second sentence of Requirement MS3(2) should be replaced with the following:

A scheme for notifying local residents shall be submitted to and approved by West Somerset District Council before the increased noise threshold is applied. Notice of the application and duration of the increased threshold shall be given to the West Somerset District Council, and to local residents in accordance with the approved scheme, at least 48 hours before that threshold is applied. The number and duration of occasions on which the increased noise threshold is applied shall be limited to those approved by West Somerset District Council.

Operational noise

- 138 The draft DCO makes no provision for the control of operational noise from the proposed power station. The Applicant's evidence is that, when measured outside the closest residential properties, it is unlikely that operational noise from the power station would exceed 38 dB LAeq. It would have no significant impact on amenity.
- 139 Nevertheless, a number of interested parties seek some control over operational noise. The proposed power station would work continuously. Evidently some noise is already audible from the existing Hinkley Point B Power Station. It is important that the proposed facility should be properly controlled.
- 140 We consider it necessary that there should be a limit on nocturnal noise arising from the proposed development, when measured outside neighbouring residential properties, in order to protect the occupants from sleep disturbance. This would apply regardless of whether the source of the noise is construction work, or the operation of the power station. Accordingly we consider that, between 23:00 and 07:00, operational noise from the proposed power station should be limited to 45 dB LAeq, 1 hour when measured at the façade of any dwelling. We propose a new requirement (MS3D) to this effect. If the Applicant's evidence is correct, there should be no difficulty in satisfying such a requirement.

MS3A – Nocturnal construction activities

- 141 The Applicant has introduced a new Requirement MS3A into its final draft DCO. This would prohibit certain construction activities between 23:00 and 07:00, including rock ripping and crushing; construction and landscaping work south of 144750mN; and construction of Work No 3 (the on-site accommodation campus). A number of interested parties consider that this list should be enlarged, or recast to set out a limited range of construction activities that would be permissible at night.
- 142 However, given the nocturnal noise limits that would apply to construction, we see no need to extend the Applicant's list of prohibited activities. Presumably, the activities listed would be prohibited because of the risk that they would breach the noise limit specified in Requirement MS3.

MS3B - Foghorn

- 143 Requirement MS3B would provide for the approval of details of any foghorn prior to its installation. The foghorn would not be installed or operated other than in accordance with the approved details. We consider this to be necessary in the interests of amenity. However, as the proposed foghorn would be mounted on the temporary jetty, we consider that this requirement should be

relocated in the appropriate part of Schedule 11, and renumbered J-4.

MS3C – Noise monitoring scheme

144 Requirement MS3C would preclude Works Nos 1A (d) to (p), 1B and 1C from starting until a noise monitoring scheme has been approved by the West Somerset District Council. The scheme would include details of arrangements for reporting the results of noise monitoring to the Council, and contingency measures to be implemented if breaches of the noise limits set out in Requirement MS3 were identified.

145 Stogursey Parish Council seeks direct access to data from the proposed monitoring system. However we consider that it would be appropriate for this to be interpreted by local authority officers before being released to the other bodies.

146 In view of the similarity between Requirements P27 and MS3C, we consider that there would be merit in their integration and rationalisation. A revised Requirement MS3C, which would apply to the whole of Works Nos 1A, 1B and 1C, might then read as follows:

(1) Works Nos 1A, 1B and 1C shall not commence until a noise monitoring scheme for the site has been submitted to and approved by West Somerset District Council. The scheme shall set out details of:

- (a) a methodology for monitoring noise to ensure compliance with Requirement MS3;
- (b) the location of representative monitoring points outside residential properties;
- (c) the frequency and format of reporting monitoring information to West Somerset District Council;
- (d) contingency measures to be taken if noise limits specified in Requirement MS3 are exceeded.

(2) The noise monitoring scheme as approved shall be implemented during the construction and operation of Work No 1A. The details of the noise monitoring scheme may be revised from time to time, subject to the approval of the West Somerset District Council.

MS4 – Construction lighting

147 Requirement MS4 would provide that the installation of construction lighting must be carried out in accordance with the Construction Lighting Strategy, as appended to the Construction Method Statement (APP150).

- 148 The Fairfield Estate considers this strategy to be insufficiently precise for the proposed Requirement MS4 as drafted to be enforceable (REP57). They suggest that this requirement be revised as follows:
- (1) *No works or development shall take place until a written scheme to control the installation of external construction lighting has been submitted to and approved by the local planning authority which scheme shall be in accordance with the Construction Lighting Strategy, Volume 2 of the Environmental Statement, Appendix 2B.*
- (2) *The external construction lighting shall be installed and operated in accordance with the approved scheme.*
- 149 For the purposes of the Construction Lighting Strategy, the application site is divided into a series of functional Zones, each of which would have distinctive lighting requirements. For instance, the degree of illumination required in an area of stockpiles, would differ from that required along a highway, or along a security fence, or in a contractor's compound, or in the construction area of the permanent power station development. Furthermore, the required pattern of lighting is likely to change over time as different stages of the proposed development start and finish.
- 150 We consider that it would be impractical for the Applicant to have to specify its construction lighting requirements for the whole of the construction period with a greater degree of precision than is shown in the Construction Lighting Strategy. We also consider that it would be unduly burdensome for them to have to repeatedly apply for approval each time they wished to change the position or intensity of lighting on a particular part of the site.
- 151 It is clear that considerable thought has gone into the Construction Lighting Strategy, for instance to avoid upward lighting in an area of dark skies; to minimise light spill; and to arrange lighting in such a way as to minimise its impact on bats. In our view, it is not necessary for the precise location and luminescence of each bulb to be specified in order to enforce the general principles set out in the strategy. In the circumstances, we do not consider that the modification of Requirement MS4 is necessary.
- MS5 and MS6 – Construction and operational parking***
- 152 Requirement MS5 would limit the number of parking spaces during the construction of Work No 1A to not more than 200 for construction workers, with a further 100 for visitors. This accords with the Construction Workforce Travel Plan and we consider it to be acceptable.

- 153 Requirement MS6 would limit operational parking at the proposed power station to 430 spaces, excluding spaces for disabled staff. This is not controversial.

MS6 to MS12A – Building design: reserved matters

- 154 Requirements MS6 to MS12A provide for the approval of details of various buildings and structures for which detailed drawings were not submitted with the application. They deal respectively with:

- the spent fuel store;
- the access control building;
- the auxiliary feedwater storage buildings;
- the service access buildings;
- the sewage treatment plant;
- the meteorological station mast;
- the Bum Brook bridge; and
- the emergency access road.

These requirements are not controversial.

MS13 - Security

- 155 Requirement MS13 would preclude closed-circuit television (CCTV) columns and mountings from being installed on the proposed perimeter fence until details have been approved by West Somerset District Council. Regard would be had to guidance produced by the Office of Nuclear Regulation. Although there is some local concern about the installation of CCTV cameras, the security of a nuclear site would clearly be a matter of considerable importance.

MS14 – Landscaping of the permanent site

- 156 Requirement MS14 would provide for the submission and approval of a landscape scheme for the permanent development site (ie the power station) within 6 months of Unit 1 entering operation. The scheme would include specified details, including an implementation timetable. Landscaping works would be carried out in accordance with the approved scheme, to appropriate British Standards.

- 157 The term 'enter operation' is defined to mean 'the point at which a reactor begins generating electricity at or near its rated output'. The Fairfield Estate is concerned that this is imprecise. It questions whether it could be commercially viable to run a reactor below a level at which it would be 'at or near its rated output'. If it were, the Applicant could escape having to produce a landscape scheme for the site. The Estate argues that 'operation' should be defined as 'the date on which the commissioning of the first nuclear reactor is commenced'.

- 158 We consider the definition of 'entering operation' to be sufficiently precise. We do not think it at all likely that the Applicant would run the proposed power station at an artificially low output so as to avoid the necessity of preparing and implementing a landscaping scheme. On the contrary, it is clear that the Applicant regards landscaping as an integral part of the proposed development.
- 159 In practice, landscaping of the permanent site is unlikely to start before construction work has finished, Unit 2 is fully operational, and any teething or 'snagging' problems have been fixed. This would necessarily be more than 6 months after Unit 1 enters operation. We can see no reason for the earlier submission of the landscaping scheme.
- 160 However, we consider that Requirement MS14 needs some amendment. Plainly, a requirement cannot predetermine the date by which the submitted details of landscaping would be approved. Furthermore, it is not clear what would happen if the submitted details of landscaping were found to be unsatisfactory by the local planning authority (or on appeal). In these circumstances, there would be nothing to compel the Applicant to submit further revised details of landscaping. In our view, there should be some incentive to the production of an acceptable landscaping scheme. We suggest that this should be to preclude Unit 2 from entering operation until a landscape scheme for the permanent site has been approved. We consider that the opening sentence of Requirement MS14 should be replaced with the following:

Within 6 months of Unit 1 entering operation a written landscape scheme for the permanent development site shall be submitted for the approval of West Somerset District Council. Unit 2 shall not enter operation before this landscape scheme has been approved.

MS15 – Advance planting south of 144750mN

- 161 The Applicant proposes that a landscaped area should be created at an early stage in the proposed development, on that part of the application site lying to the south of Ordnance Survey grid line 144750mN (the southern construction boundary). This landscaped area would serve as a visual and aural buffer between the construction site and the settlement of Shurton. It would also provide a haven for wildlife. Ground levels here would be remodelled to provide screening, which would be reinforced by tree planting. Apart from landscaping, the only development to take place in this area would be the construction of the emergency access road (including a new bridge over the Bum Brook) which would provide an alternative route between the proposed power station site and Shurton.

- 162 Requirement MS15 would preclude development from taking place south of 144750mN (the southern construction boundary) until a detailed landscape scheme had been submitted to and approved by West Somerset District Council (following consultation with Natural England). The on-site accommodation campus would not be brought into use until the changes to the ground levels within the proposed landscape area had been completed.
- 163 Stogursey Parish Council wishes to see a timetable for the landscaping of this area. It argues that work should not start to the north of the southern construction boundary until the proposed earthworks and planting in the advance landscape area are complete. The southern construction boundary should then be moved progressively northward, and the landscaped area enlarged, as the construction programme allows (WREP04).
- 164 The Applicant is committed to use reasonable endeavours to adhere to the Implementation Plan (PD113, Annex 14). This shows that (assuming development consent is granted early in 2013) the advance landscaping works would start at the beginning of 2014 and would be completed midway through that year. We are not convinced that it would be possible to improve on this provisional timetable at present.
- 165 The land immediately to the north of the southern construction boundary would be used for stockpiling materials, for contractors' areas, and for the on-site accommodation campus. In view of the urgency of progressing work on the construction of the power station, we are not persuaded that these proposed ancillary uses should be delayed until the advance landscaping work has been completed.
- 166 Nor are we convinced that there would be scope to roll the southern construction boundary northward, thereby extending the landscaped area as the proposed development progresses. The stockpiles, contractors' areas and accommodation campus are likely to be needed for the whole of the construction period. Furthermore, the eventual landscaping of the land to the north of the southern construction boundary would include substantial earthworks, which would have to be undertaken as an integrated project, rather than in a series of phases.
- MS15A – North-west bund***
- 167 The north-west bund is defined in the Interpretation section of Schedule 11 of the final draft DCO. It is a proposed landscaped mound, which would be provided along the north-west boundary of the application site during the construction of the power station. It would provide some screening between the construction site and the 'heritage land' to the west. Construction and planting of the bund is required by Condition SP13 of the site preparation permission (PD001) and by Condition 14 of the Harbour

Empowerment Order (PD090). The bund would be removed at the end of the construction period, as part of the proposed reinstatement of the Landscape Restoration Area.

- 168 Requirement MS15A would preclude the construction of any part of the superstructure of any building within 'Area A' until the earthworks associated with the north-west bund have been completed. Screen planting of the bund would be undertaken in the first appropriate planting season following completion of the earthworks.
- 169 'Area A' consists of the north-west corner of the application site, extending between the coast to the north and Green Lane to the south. It would be used for stockpiles and storage buildings, and for contractors' areas. It is shown on drawing HP/WP/REQ/MS15A, which was attached to a Position Statement agreed between the Applicant and Fairfield Estate and dated 13 and 14 August 2012 (HE190). We support this requirement.

MS16 – Landscape restoration

- 170 Requirement MS16 would preclude Unit 2 from entering operation until a scheme setting out proposed landscaping works for the Landscape Restoration Area has been submitted to and approved by West Somerset District Council, following consultation with Natural England. Among other things the scheme would include an implementation timetable; arrangements for the maintenance and management of landscaping; and proposals for the removal and restoration of the north-west bund, the on-site accommodation campus, and all temporary construction related development. Landscaping would be carried out in accordance with the approved scheme, to appropriate British Standards.
- 171 The Landscape Restoration Area is defined in the Interpretation section of Schedule 11 of the DCO. Effectively, it is the whole of the Hinkley Point C site, except the permanent development area. It is shown in drawing ref: HP/WP/REQ/01 (REP032 Appendix 4).
- 172 The Fairfield Estate points out that while it may be likely that both of the proposed reactors would be built, there is nothing in the DCO that secures the construction and operation of Unit 2 (REP115). If Unit 2 were never built, the landscape restoration scheme need never be submitted, and Requirement MS16 would be unenforceable. The Estate considers that, as a long stop, the site should be reinstated by 31 December 2025.
- 173 Unit 2 is scheduled to enter operation about 18 months after Unit 1. The Fairfield Estate considers that this implies a considerable delay in the reinstatement of the Landscape Restoration Area. Ideally, it should be possible to start work on landscaping this area as soon as the construction of the nuclear reactors is

substantially complete. The Estate proposes that Requirement MS16 should be amended (REP57, Appendix 1) so as to begin:

Not to cause or permit the operation of the first reactor unless and until a written scheme setting out the proposed landscape works for the Landscape Restoration Area has been submitted to and approved by West Somerset Council. The landscape scheme shall be developed in accordance with sections 3 and 4 of the Landscape Strategy and must include details of ...

- 174 The Estate also considers that the listed details should additionally include:

*subsoil and topsoil depths, method of placement and decompaction of all soils;
location and composition of seed mixes including amenity grassland, species rich grassland and agricultural grassland;
ditches, land drainage and culverts;
enclosure, including field boundary fencing, hedges and gates;
a 5 year management programme for all planting to ensure full establishment; and
a 5 year aftercare programme for all restored agricultural land to ensure gradual return to full productivity.*

- 175 We accept that it might not be expedient to start work on the reinstatement of the Landscape Restoration Area before Unit 2 enters operation. However, we can see no reason why a scheme for the Landscape Restoration Area (complete with timetable) should not be submitted for approval at the same time as the landscaping scheme for the permanent site, pursuant to Requirement MS14 - that would be within 6 months of Unit 1 entering operation. We have no reason to question the Applicant's firm intention to complete both reactors for which they have applied. But if this were no longer the case when proposals for the Landscape Restoration Area were submitted for approval, the landscape restoration works could be programmed accordingly. We therefore consider that Requirement MS16 should begin as follows:

Within 6 months of Unit 1 entering operation, a written landscape scheme for the Landscape Restoration Area shall, following consultation with Natural England, be submitted for the approval of West Somerset District Council. Unit 2 shall not enter operation until this landscaping scheme has been approved.

- 176 We consider the remainder of this requirement to be acceptable. The list of details to be included in the landscaping scheme is not exhaustive, but we see no reason to add extra items. If the scheme as eventually submitted is deficient in dealing with any

matter, it would be open to the local planning authority to withhold its approval. We see no reason for Requirement MS16 to specify a long stop date. The programme for landscaping works would be specified in the scheme to be submitted within 6 months of Unit 1 entering operation. If this has not happened by 31 December 2025, Condition R1 of the site preparation permission would require the reinstatement of the site.

MS17, OS4, BRIA6, BRIC4, CP6, C5, J23-5, J24-4 and WP4 – Maintenance of planting

- 177 In the application draft DCO (APP277) Requirements MS17, OS4, BRIA6, BRIC4, CP6, C5, J23-5, J24-4 and WP4 each provided for the replacement of any tree or shrub that would be planted as part of an approved landscaping scheme, and which died, was removed or became seriously damaged or diseased within 5 years of planting. Arrangements for the establishment and maintenance of planting have now been included in all requirements in the Applicant's final draft DCO that propose implementation of a landscaping scheme. Accordingly, the separate requirements providing for the replacement of failed vegetation have been deleted from the Applicant's final draft DCO.

MS18 – Permanent lighting

- 178 Requirement MS18 would provide for the installation of external lighting in accordance with the Operational Lighting Strategy appended to Volume 2 of the Environmental Statement (APP095). It is not controversial.

MS19 – Surface water drainage

- 179 Requirement MS19 would preclude Works 1A(d) to (p), 1B and 1C from starting until details of the surface and foul water drainage system have been approved by West Somerset District Council, following consultation with the Environment Agency and the drainage authority. The details are to include management and maintenance arrangements; pollution control; and sewage treatment. This requirement is not controversial.

MS20 – Coastal path

- 180 Requirement MS20 would provide for the re-opening of the Coastal Path, when it is safe to do so, following the completion of works on the sea wall. The Coastal Path is clearly a major recreational asset, and a requirement that it should be re-opened as soon as is safe is to be welcomed.

MS21 – Signage (also OS7, BRIA9, BRIC8, CP9, C8, J23-8, J24-8 and WP9)

- 181 Requirement MS21 would preclude the erection of signage (other than signage permitted by the Town and Country Planning

(Control of Advertisement) Regulations 2007) except with the approval of the relevant local planning authority. It is in essentially the same form as Requirements OS7, BRIA9, BRIC8, CP9, C8, J23-8, J24-8 and WP9. None of these requirements is controversial. We support them but do not discuss them further in this report.

MS22 – Flood risk

- 182 Requirement MS22 would provide for emergency flood planning arrangements, in accordance with the Flood Risk Assessment (APP078). It is not controversial.

MS23 to MS25 – Helicopter use

- 183 Requirement MS23 would limit the number and timing of commercial flights using the on-site helipad (other than in emergencies). The Fairfield Estate points out that the Environmental Statement assumes that there would be a maximum of 3 visits a year (ie 6 two-way flights) whereas Requirement MS23 provides for up to 12 two-way flights a year (REP115). However, we do not consider that this level of usage would give rise to significant adverse environmental effects.
- 184 Requirement MS24 would limit on-site helicopter landing, stationing and take-off to the designated helipad area. Requirement MS25 would provide for details of all commercial helicopter flights to be recorded, and made available to West Somerset District Council on request. We consider these provisions to be unexceptionable.

MS26 – Sea wall

- 185 Requirement MS26 would provide that the crest of the sea wall should be no lower than 13.5m above ordnance datum Newlyn (AOD). It was proposed by the Environment Agency as a flood prevention measure and is not controversial.

Additional requirements proposed for the main site

Permitted development rights

- 186 The Fairfield Estate argues that permitted development rights would enable the Applicant to undertake development that has not been subject to environmental assessment. Therefore, development consent could not be lawfully granted unless those rights were withdrawn (REP115). However, the Environmental Assessment takes account of temporary construction development within the parameters set out in the Construction Method Statement. We do not accept the proposition that a further Environmental Assessment would be necessary to take advantage of permitted development rights.

Installation of underground cables

187 The proposed development would entail the erection of pylons to carry overhead transmission lines between the proposed power station and an on-site National Grid sub-station. The Fairfield Estate refers to paragraph 3.8.10 of NPS EN-6, which requires visual intrusion to be reduced as far as practicable (REP057). The Estate argues that the Applicant has given no consideration to the possibility of using underground cables or a different design of pylon, so as to reduce the adverse visual impact of this aspect of the proposed development. It proposes that an additional requirement should be imposed as follows:

- (1) *Notwithstanding the details shown on the submitted plans, prior to the commencement of any works beyond Phase 2 (as defined by Condition G4 of the site preparation permission):*
 - (a) *the undertaker shall carry out a feasibility study (to be undertaken by an independent and appropriately qualified person the identity of whom must first be approved by West Somerset Council) into the potential for the cables, currently shown on the plans as being overhead cabling, to be installed underground, and as soon as practicable the undertaker shall provide a copy of the report to West Somerset Council; and*
 - (b) *the undertaker shall submit details of the method of installing the said cables in accordance with the feasibility study for the approval of West Somerset Council.*
- (2) *No construction works beyond Phase 2 (as defined by Condition G4 of the site preparation permission) shall be carried out unless and until the details referred to in (1)(b) have been approved by West Somerset Council.*
- (3) *The cables shall be installed in accordance with the approved details.*

188 In considering this matter, we have had regard to the height and design of the proposed pylons, and to the fact that they would be seen in the immediate context of a massive electricity generating station. We recognise that the scenic quality of the countryside in this part of Somerset is understandably cherished by many people. However, we attach weight to the fact that the proposed pylons and overhead lines would not be within an area that is designated in the development plan as being of particular landscape value; and to the fact that overhead transmission lines, carried by pylons, already serve the neighbouring Hinkley Point B power station. We accept the Applicant's evidence that it would be extremely difficult to provide a different means of transmitting electricity from the proposed turbine hall to the National Grid sub-

station. On balance, we are not persuaded that the potential delay and uncertainty arising from the investigation of an alternative solution would be justified.

Platform levels

- 189 The Environment Agency seek a requirement specifying that the finished level of the proposed nuclear island platforms would be set no lower than 14m AOD. However, Article 2(1) of the draft DCO indicates that the development is to be carried out in accordance with the approved plans. The nuclear island platform is shown in the relevant application plan (which is submitted for approval) as generally having an elevation of 14m AOD. We do not consider any further requirement to be necessary.

Hydrazine discharge

- 190 It is essential that the Severn Estuary SAC should be protected from the discharge of effluents containing hydrazine which could potentially have an adverse effect on marine biota and habitats. As no environmental permit has yet been issued to regulate the quality of effluent discharged from the proposed development, the Secretary of State may feel that a DCO requirement would be necessary, in order to satisfy the tests imposed by the Habitats Regulations. We suggest the following as Requirement MS28 in Appendix D:

No effluent shall be discharged from the proposed development until a scheme for the control of hydrazine has been submitted to and approved in writing by the Environment Agency. No effluent shall be discharged other than in accordance with the approved scheme.

Requirements relating to the temporary jetty

- 191 These requirements, prefixed 'J', relate to the proposed temporary jetty (Work No TJ1); the proposed covered conveyor for transporting aggregates (Work No TJ2); and the proposed pipeline for transporting cement (Work No TJ3). Unlike the conditions attached to the HEO (PD090) they do not apply to temporary onshore construction buildings, such as the sand shed and silos, which would constitute permitted development within the site of Work No 1A in accordance with the Town and Country Planning (General Permitted Development) Order 1995.
- 192 The construction of the temporary jetty and berthing pocket would be subject to the conditions attached to marine licenses issued by the Marine Management Organisation under the Marine and Coastal Access Act 2009 (PD092 & PD093). We do not consider it necessary to impose requirements that would duplicate those conditions.

J-1 and J-2 – Cliff Management Plan

193 The proposed jetty would project from the shore at a point where there are unstable cliffs. In the application draft DCO (APP277) Requirements J-1 and J-2 respectively provided for a programme of cliff contour monitoring and a cliff restoration scheme. The Applicant now proposes that these should be merged into a single requirement (Requirement J-2) which would provide for the submission and approval of a cliff management plan, prior to the removal of the temporary jetty. The jetty would be removed in accordance with the approved plan. We consider this acceptable.

J-3 – Reinstatement of the intertidal area

194 We consider that Schedule 11 of the DCO should include a requirement making explicit provision for the reinstatement of the intertidal area occupied by the temporary jetty, when that structure is removed (see paragraph 8.184 above). We propose the inclusion of Requirement J-3, to read as follows:

- (1) Prior to the removal of any part of the temporary jetty works, a detailed reinstatement strategy for the area to be occupied by the jetty lying between the northern boundary of Work No 1A and the mean low water mark shall be submitted to and approved by West Somerset District Council. The reinstatement strategy shall include details of:
 - (a) the location and depth of all buried structures within the intertidal area, and the depth and composition of the materials proposed to be used to cover those structures;
 - (b) the levels at which piles will be cut off;
 - (c) the materials to be used to fill the voids left after the extraction of piles; and
 - (d) an implementation timetable for the reinstatement works.
- (2) The reinstatement strategy referred to in paragraph (1) above shall be implemented as approved.

J-4 – Foghorn

195 We consider that Requirement MS3B should be renumbered J-4 and relocated accordingly.

Additional requirements proposed for the temporary jetty

196 The Fairfield Estate is concerned that a number of the conditions imposed as part of the HEO (PD090) are not matched by

corresponding DCO requirements. They refer particularly to the following matters (REP115, p30).

External storage

- 197 HEO Condition 5 controls the external storage of materials to be used in the construction of the temporary jetty. It applies to the onshore area, which would lie within the power station construction site. Requirement MS1F would regulate the long-term storage of materials in stockpiles in this area. We do not consider it necessary to impose any further controls over the external storage of building materials.

Amplified sound

- 198 HEO Condition 7 prohibits the use of amplified sound within the onshore area. This is now covered by the Code of Construction Practice (PD033).

Foghorn

- 199 HEO Condition 8 requires the approval of details of any proposed foghorn. This is now covered by Requirement MS3B of the Applicant's final draft DCO, which we considered should be transposed and renumbered as Requirement J-4.

Infill material

- 200 HEO Condition 12 provides that only specified inert substances should be used as infill materials. This is replicated in DCO Requirement MS1G, which would apply only within the limits of Work No 1A. We consider that this restriction should also apply to the temporary jetty, and that Requirement MS1G should be amended to apply project-wide as Requirement PW36.

Lighting

- 201 HEO Condition 13 requires the approval of details of lighting for the temporary jetty. Although Requirements MS4 and MS18 would respectively control construction lighting and permanent lighting, these would apply only within the site of Work No 1A, so would not apply to the jetty. We consider that an additional Requirement J-5 should be introduced into the DCO as follows:

Prior to its installation, details of any lighting to be used on the temporary jetty must be submitted to and approved by the Marine Management Organisation. No lighting shall be installed other than in accordance with the approved details.

Details of silos, sand shed and other structures

- 202 HEO Conditions 14 to 17 set out a programme for the construction of various temporary onshore structures, and control details of

their alignment and height. In the context of the DCO, these structures would come within Work No 1A, but would also constitute permitted development by virtue of Class A of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. Paragraph 87 of Circular 11/95 indicates that restrictions should be placed on permitted development rights only in exceptional circumstances. We do not consider that such restrictions would be justified in the present case.

Storage of oils, fuels, concrete and chemicals

- 203 HEO Condition 18 regulates the storage of oils, fuels, concrete and chemicals. Similar measures are now contained in the Code of Construction Practice (PD33) which would apply project-wide (including to the jetty demolition works) by virtue of DCO Requirement PW24.

Restriction on aggregate washing

- 204 HEO Condition 19 places a restriction on aggregate washing. However, the use of the site of Work 1A for purposes ancillary to the construction of the power station would be authorised by Article 2 of the DCO. We are not persuaded of the need to impose any restriction on aggregate washing for these purposes.

Habitat Management Plan and Ecological Method Statement

- 205 HEO Conditions 21 and 22 respectively provide for the approval of a Habitat Management Plan and an Ecological Method Statement. Similar provisions are made in DCO Requirements P16B and P16A, which apply to Work No 1A but not to the off-shore jetty area. We consider that the habitats and ecology of the latter area are adequately protected by the conditions attached to the marine licences for the construction of the jetty and the berthing pocket.

Oil interceptor

- 206 HEO Condition 28 provides that surface water draining from impermeable parking areas must pass through an oil interceptor. A similar provision is contained in the Code of Construction Practice (PD033) which would apply to the whole of the authorised project by virtue of Requirement PW24.

Air quality

- 207 HEO Condition 29 makes provision for an air quality scheme. Similar provision is made in DCO Requirement MS1B. Although this is nominally restricted to the site of Work 1A, we would not expect off-shore works associated with the jetty to have a significant effect on the air quality of sensitive receptors.

Construction and Environmental Management Plan (CEMP)

- 208 HEO Condition 39 provides for the approval of a CEMP by the local planning authority. Under the DCO, this matter would be covered by the Code of Construction Practice (PD033) in accordance with Requirement PW24.

Requirements relating to cooling water infrastructure

- 209 The cooling water infrastructure would consist of two cooling water tunnels (with off-shore vertical shafts, intake heads and an acoustic fish deterrent system) for seawater extraction; a cooling water tunnel (with vertical shafts and outfall heads) for seawater return; and a fish return tunnel with an off-shore fish return outfall. Requirements relating to this infrastructure are prefixed 'CW'.
- 210 The construction and use of the cooling water infrastructure would clearly have implications for the marine environment and for habitats within the Severn Estuary SAC. No marine licence or environmental permit has yet been issued for the construction or use of this infrastructure. We do not consider it appropriate to rely on conditions which might or might not be imposed by such licenses to provide mitigation for adverse effects that this infrastructure may have on the marine environment.
- 211 The application draft DCO (APP277) included a suite of four requirements (CW1 to CW4) which would regulate the detailed design of various components of the cooling water infrastructure. The Applicant now proposes that these should be merged into a single requirement (Requirement CW1).

CW1 – Cooling water infrastructure design

- 212 Requirement CW1 would preclude the development of the cooling water infrastructure until details of its design (including the design of the acoustic fish deterrent system) have been approved by the Marine Management Organisation, following consultation with the Environment Agency, Natural England and the Countryside Council for Wales. This requirement has been agreed between the Applicant and the relevant bodies with particular responsibility for nature conservation. English Heritage also seek inclusion as a consultee, as the proposed infrastructure could interfere with marine sites of archaeological interest. We consider that Requirement CW1 should be amended accordingly.

CW5 – Monitoring and Adaptive Measures Plan

- 213 Requirement CW5 precludes the abstraction of seawater before a Monitoring and Adaptive Measures Plan has been approved by the Marine Management Organisation, following consultation with the Environment Agency, English Nature and the Countryside Council for Wales. This would establish:

- (a) performance levels for the acoustic fish deterrent and fish recovery and return systems;
- (b) arrangements for trialling these systems during the commissioning of the nuclear reactors;
- (c) arrangements for monitoring these systems during the operation of the nuclear reactors;
- (d) adaptive measures that may be required in the light of (a), (b) and (c), and the circumstances in which such measures would apply; and
- (e) the monitoring methodology and format of reports.

This requirement has been agreed between the Applicant and the relevant bodies with particular responsibility for nature conservation and we consider it acceptable.

Requirements relating to the on-site accommodation campus

- 214 These requirements, prefixed 'OS', relate to Work No 3, the on-site accommodation campus. This would house up to 510 construction workers in temporary buildings. It would also include a communal amenity building and outdoor sports facilities. Provision for the eventual removal of the temporary buildings and the landscape restoration of the site is contained in Requirement MS16(k).

OS1 – Car parking

- 215 Requirement OS1 would limit the number of parking spaces on the accommodation campus to 353, unless otherwise approved by the local planning authority. We consider this to be acceptable.

OS2 – Construction compounds (also BR1A4, BR1C2, CB3, CP3, C3, J23-3, J24-2 and WP2)

- 216 Requirement OS2 would provide that temporary structures, plant, equipment and means of enclosure needed for the construction of the campus must accord with the parameters in the Construction Method Statement (APP150) unless otherwise approved by the local planning authority; and must be removed once the construction works are complete. It is in essentially the same form as Requirements BR1A4, BR1C2, CB3, CP3, C3, J23-3, J24-2 and WP2. None of these requirements is controversial. We support their inclusion in the DCO but do not discuss them further in this report.

OS3 – Landscape works (also BRIA5, BRIC3, CB5A, CP5, C4, J23-4, J24-3 and WP3)

- 217 Requirement OS3 would preclude the construction of the accommodation campus until a landscaping scheme has been approved by the local planning authority. In addition to details of landscaping, the scheme would include arrangements for the maintenance and management of planting; and an implementation timetable. In the application draft DCO (APP277) Requirement OS4 provided for the replacement of planting that was removed, died or became damaged or diseased within a specified period. This would now be covered by the maintenance and management provisions of Requirement OS3; and Requirement OS4 has been deleted from the Applicant's final draft DCO.
- 218 Requirement OS3 is in a similar form to Requirements BRIA5, BRIC3, CB5A, CP5, C4, J23-4, J24-3 and WP3. None of these requirements is controversial. We support their inclusion in the DCO but do not discuss them further in this report.

OS5 – Fencing (also BRIA7, BRIC6, CP7, C6, J23-6, J24-6 and WP6)

- 219 Requirement OS5 would preclude the erection of any means of enclosure (other than those required for construction purposes) without the prior approval of the local planning authority. It would also provide for the development to be securely fenced at all times. It is in similar form to Requirements BRIA7, BRIC6, CP7, C6, J23-6, J24-6 and WP6. None of these requirements is controversial. We support their inclusion in the DCO but do not discuss them further in this report.

OS6 – Lighting (also BRIA8, BRIC7, CB6, CP8, C7, J23-7, J24-7 and WP7)

- 220 Requirement OS6 would preclude the installation of external lighting until details (including a scheme for the management and mitigation of light emissions) had been approved by the local planning authority. It is in similar form to Requirements BRIA8, BRIC7, CB6, CP8, C7, J23-7, J24-7 and WP7. None of these requirements is controversial. We support their inclusion in the DCO but do not discuss them further in this report.

OS8 – Surface and foul water (also BRIA12, BRIC11, CB10, CP11, C11, J23-10, J24-10 and WP11)

- 221 Requirement OS8 would preclude the construction of the accommodation campus until details of the surface and foul water drainage system (including means of pollution control and future responsibility and maintenance arrangements) have been approved by the local planning authority. It is in similar form to Requirements BRIA12, BRIC11, CB10, CP11, C11, J23-10, J24-10

and WP11. None of these requirements is controversial. We support their inclusion in the DCO but do not discuss them further in this report.

OS9 – Sports pitches (also BRIA17 and BRIC16)

- 222 Requirement OS9 would preclude the use of the external sports facilities and associated lighting on the on-site campus between 22:00 and 08:00. It is in the same form as Requirements BRIA17 and BRIC16. None of these requirements is controversial. We support their inclusion in the DCO but do not discuss them further in this report.

Requirements relating to the construction and operation of the Bridgwater A accommodation campus

- 223 These requirements, prefixed 'BRIA', would relate to the proposed Bridgwater A accommodation campus (Works Nos 4A, 4B and 4C). The campus would house up to 850 construction workers. It would include communal facilities and provision for outdoor sports. The site, which measures about 13.8ha, includes land occupied by the former Innovia cellophane factory (now demolished) which is likely to be contaminated. It also includes the grounds of the Bridgwater Sports and Social Club. It lies within the area covered by the outline planning permission for the development of North-east Bridgwater.
- 224 Requirements BRIA4 (Construction compound), BRIA5 (Landscape works), BRIA7 (Fencing), BRIA8 (Lighting), BRIA9 (Signage), BRIA12 (Surface and foul water) and BRIA17 (Sports pitches) are in a similar form to corresponding requirements for other associated developments discussed above. We support their inclusion in the DCO but do not consider them further here.

BRIA1 – Archaeology (also CB1 and J23-1A)

- 225 Requirement BRIA1 would preclude development prior to the approval by the County Council of a scheme for archaeological work. It is in similar form to Requirements CB1 and J23-1A. None of these requirements is controversial. We support their inclusion in the DCO but do not discuss them further in this report.

BRIA2 – Ecology (also CB2, CP1, C1 and J23-1)

- 226 Requirement BRIA2 would preclude development prior to the local planning authority's approval of an ecological mitigation and monitoring plan. It is in similar form to Requirements CB2, CP1, C1, and J23-1. None of these requirements is controversial. We support their inclusion in the DCO but do not discuss them further in this report.

BRIA3 – Car parking

- 227 Requirement BRIA3 would limit the number of parking spaces on the accommodation campus to 543, unless otherwise approved by the local planning authority. We consider this to be acceptable.

BRIA10 and BRIA11 – Flood risk and resilience

- 228 Requirement BRIA10 would preclude the development of the proposed campus buildings (Work No 4A(c)) until a flood resilience scheme has been approved by Sedgemoor District Council, following consultation with the Environment Agency. This mirrors a condition of the outline planning permission for the development of North East Bridgwater. Requirement BRIA11 would preclude the development of the campus buildings until details of all finished floor levels have been approved by the Council. The site is susceptible to flooding, lying within Flood Zone 3. We support these requirements.

BRIA13 and BRIA14 - Drainage

- 229 Requirement BRIA13 would preclude the proposed development before a scheme to remove contaminants from surface water run-off during construction work has been approved by Sedgemoor District Council, following consultation with the Environment Agency. Requirement BRIA14 would require the development to be connected into the wider North-East Bridgwater surface water master drainage scheme once rhyme rationalisation works are available. We consider these requirements to be reasonable.

BRIA15 - Highways

- 230 Requirement BRIA15 would prohibit the proposed development from being brought into use until specified improvements to the site access arrangements are complete. It is in similar form to Requirements BRIC5, CP12, C14, J23-14, J24-5 and WP5. None of these requirements is controversial. We support their inclusion in the DCO but do not discuss them further in this report.

BRIA18 to BRIA21 - Contamination

- 231 Requirement BRIA18 would prevent the development of the Bridgwater A campus prior to the approval of a strategy for the remediation of contamination by Sedgemoor District Council. Requirement BRIA19 would prohibit surface water drainage from infiltrating into the ground, save in accordance with details (to be approved by the Council) demonstrating that there would be no unacceptable risk to controlled waters.
- 232 Requirement BRIA20 would prevent piling or other foundation designs using penetrative methods, save in accordance with details (to be approved by the Council) demonstrating that there would be no unacceptable risk to controlled waters. Requirement

BRIA21 would prevent development until details of measures to prevent underground services from acting as migration pathways for contaminants have been approved by the Council.

- 233 We consider that Requirements BRIA18 to BRIA21 should be included in Schedule 11 of the DCO, in the interests of environmental protection.

Other requirements relating to Bridgwater A

Replacement playing fields

- 234 We consider that an additional requirement (BRIA22) should be imposed to secure the replacement of the playing fields at the Bridgwater Sports and Social Club in line with national policy (see para 8.91 above). Such a requirement might be as follows:

No development authorised by this Order shall take place on the site of the Bridgwater Sports and Social Club until a scheme giving assurance that the existing playing fields will be replaced by at least equivalent facilities has been submitted to and approved by Sedgemoor District Council.

Requirements relating to the construction and operation of the Bridgwater C accommodation campus

- 235 These requirements, prefixed 'BRIC', would relate to the proposed Bridgwater C accommodation campus (Works Nos 5A, and 5B). The campus would house up to 150 construction workers. It would include communal facilities and provision for outdoor sports. Its proposed site, which measures about 1.8ha, currently includes a rugby pitch. This land has previously been used as a landfill and may be contaminated.
- 236 Requirements BRIC2 (Construction compound), BRIC3 (Landscape works), BRIC5 (Highways), BRIC6 (Fencing), BRIC7 (Lighting), BRIC8 (Signage), BRIC11 (Surface and foul water) and BRIC16 (Sports pitches) are in a similar form to corresponding requirements for other associated developments discussed above. We support their inclusion in the DCO but do not consider them further here.

BRIC1 – Car parking

- 237 Requirement BRIC1 would limit the number of parking spaces on this accommodation campus to 66, unless otherwise approved by the local planning authority. We consider this to be acceptable.

BRIC2A – Vegetation clearance

- 238 Requirement BRIC2A would preclude the clearance of vegetation between March and August inclusive, unless a scheme to avoid or

reduce impacts on breeding birds has been approved by Sedgemoor District Council. This is not controversial.

BRIC3A – Temporary canteen facility

- 239 Requirement BRIC3A would provide for the approval of details of a temporary canteen facility, for which detailed drawings were not submitted with the application. It is not controversial.

BRIC9 and BRIC10 – Flood risk

- 240 Requirement BRIC9 would require that the development be carried out in accordance with recommendations set out in the Bridgwater C Flood Risk Assessment (APP082) unless otherwise approved by Sedgemoor District Council. Requirement BRIC10 would preclude the development of the campus buildings until details of all finished floor levels have been approved by the Council; and specifies their minimum elevation. The site is susceptible to flooding, lying within Flood Zone 3. We support these requirements.

BRIC11A, BRIC12, BRIC14 and BRIC15 – Contamination

- 241 Requirement BRIC11A would prevent the infiltration of surface water drainage into the ground, save in accordance with details (to be approved by Sedgemoor District Council) demonstrating that there would be no unacceptable risk to controlled waters. Requirement BRIC12 would preclude development prior to the approval by the Council of a scheme to treat and remove contaminants from surface water run-off during construction.
- 242 Requirement BRIC14 would preclude the development of the campus prior to the approval of a strategy for the remediation of contamination by Sedgemoor District Council. It would also provide for the implementation of such a strategy. Requirement BRIC15 would prevent piling or other foundation designs using penetrative methods, save in accordance with details (to be approved by the Council) demonstrating that there would be no unacceptable risk to controlled waters.
- 243 We consider that these requirements should be included in Schedule 11 of the DCO, in the interests of environmental protection.

Requirements relating to the Cannington bypass

- 244 These requirements, prefixed 'CB', would relate to the construction of the Cannington bypass (Works Nos 6A to 6J). Requirements CB1 (Archaeology), CB2 (Ecology), CB3 (Construction compound), CB5A (Landscape works), CB6 (Lighting) and CB10 (Surface and foul water) are in a similar form to corresponding requirements for other associated developments discussed above. We support their inclusion in the DCO but do not

consider them further here. Requirement CB4 is considered at paragraph 35 et seq above.

CB2A – Otter protection plan

- 245 Requirement CB2A would preclude work on the construction of the proposed bypass until a plan for the protection of otters, including a timetable for implementation, has been approved. This requirement is not controversial. We support its inclusion on nature conservation grounds.

CB7 to CB9 – Flood risk

- 246 Requirement CB7 would provide that the development be carried out in accordance with the recommendations of the Cannington Bypass Flood Risk Assessment (APP083) unless otherwise approved by Sedgemoor District Council. Before the development begins, full engineering details of the Mill Stream crossing, including finished road surface levels, would have to be approved by the Council, following consultation with the Environment Agency, in accordance with Requirement CB8. Requirement CB9 would provide for floodplain storage replacement to be made available, in accordance with details to be approved by the Council, following consultation with the Environment Agency.
- 247 The proposed bypass would run through an area in Flood Zone 3, which would be vulnerable to flooding. We consider that these requirements are necessary in the interests of flood control.

CB11 – Surface water run-off

- 248 Requirement CB11 would preclude development until a scheme to treat and remove suspended solids from surface water run-off during construction has been approved by Sedgemoor District Council, following consultation with the Environment Agency. We consider that this requirement should be included in Schedule 11 of the DCO, in the interests of environmental protection.

Requirements relating to the construction and operation of the Cannington park and ride

- 249 These requirements, prefixed 'CP', would relate to the proposed Cannington park and ride facility (Works Nos 7A and 7B). The park and ride site is a greenfield area of about 5.8ha on the north side of the A39, to the south of Cannington village.
- 250 Requirements CP1 (Ecology), CP3 (Construction compound), CP5 (Landscape works), CP7 (Fencing), CP8 (Lighting), CP9 (Signage), CP11 (Surface and foul water) and CP12 (Highways) are in a similar form to corresponding requirements for other associated developments discussed above. We support their inclusion in the DCO but do not consider them further here. Requirement CP4 is considered at paragraph 35 et seq above.

CP2 – Car parking

- 251 Requirement CP2 would limit the number of car and minibus parking spaces at this site to no more than 132 for construction workers and a further 120 for visitors. We consider this to be acceptable.

CP3A – Storage of materials

- 252 Requirement CP3A would preclude the storage of materials (including soil) in a defined part of the site, which is particularly liable to flood. We consider this necessary to avoid the potential displacement of flood water.

CP10, CP10A and CP12A – Flood risk

- 253 Requirement CP10 would provide for the proposed development to be carried out in accordance with the recommendations of the Cannington Park and Ride Flood Risk Assessment (APP084) unless otherwise approved by Sedgemoor District Council. Requirement CP10A would preclude development (other than as indicated on the site layout plan as submitted for approval) within 8m of the banks of the existing flood alleviation channel, unless approved by the Council. Requirement CP12A would preclude development of the park and ride site before engineering details of the access road crossings of the roadside ditch and a new flood alleviation channel have been approved by the Council. We consider these requirements to be necessary in the interests of flood control.

Requirements relating to the proposed development and operations at Comwich

- 254 These requirements, prefixed 'C', would relate to the proposed improvement and/or operation of Comwich Wharf (Work No 8A(a) to (h)); the proposed Comwich freight laydown facility (Work No 8A(i) to (p)); and the Comwich Wharf access road (Work No 8B). The proposed improvement of Comwich Wharf is intended to be permanent. It would facilitate the seaborne delivery of materials to be used in the construction and subsequent maintenance of the proposed power station. The wharf is close to residential properties in the village of Comwich.
- 255 The proposed freight laydown facility would occupy a greenfield site, measuring about 33ha, to the south of Comwich. It would be used temporarily for the storage of materials and components required for the construction of the power station. The Comwich Wharf access road is a gated private road. Its junction with the C182 would be widened as part of the proposed development.
- 256 Requirements C1 (Ecology), C3 (Construction compound), C4 (Landscape works), C6 (Fencing), C7 (Lighting), C8 (Signage) and C11 (Surface and foul water) are in a similar form to corresponding requirements for other associated developments

discussed above. We support their inclusion in the DCO, but do not consider them further here. Requirement C3A is considered at paragraph 35 et seq above.

C1A – Combwich Intertidal Monitoring and Contingency Plan

- 257 Requirement C1A would preclude any part of Work No 8A from starting before an intertidal monitoring and contingency plan has been approved by the Marine Management Organisation, following consultation with the Environment Agency, Natural England and the Countryside Council for Wales. The plan would assess any erosion of intertidal areas resulting from the increased number of vessels moving to and from Combwich Wharf. Such erosion could have an adverse effect on protected habitats. Accordingly, we support the inclusion of this requirement in the DCO.

C2 – Car parking

- 258 Requirement C2 would limit the number of parking spaces to be provided for Work No 8A to 50, unless otherwise approved by the local planning authority. This figure excludes parking spaces for use by the Combwich Motor Boat and Sailing Club, and Combwich Laboratory, which are already present on the site. Otterhampton Parish Council questions the need for so many parking spaces to be provided to serve the improved wharf and the proposed freight laydown facility (REP052). However, it is clear that the number of people attending this site will fluctuate from time to time. The parking capacity stated in the requirement would cater for the maximum likely demand. In practice it may seldom be fully utilised. Nevertheless, we see no advantage in recommending a lower figure.

C3B – Phasing of the Combwich freight laydown area

- 259 Requirement C3B would prevent work on the construction of the proposed Combwich freight laydown facility from starting before the proposed Cannington bypass is available for use. Construction of the freight laydown would require the ground level to be raised by approximately a metre across an extensive area. This would entail the import of fill materials, potentially generating a considerable amount of heavy goods traffic. We think it highly desirable that this work should be delayed until after the completion of the Cannington bypass, thereby avoiding any risk of this traffic passing through the built-up area of Cannington.
- 260 The Otterhampton Parish Council seeks a restriction on the use of Combwich Wharf during the period between the completion of the proposed wharf refurbishment works and the availability of the freight laydown facility (HE191). The evidence suggests that a small number of abnormal indivisible loads (AILs) could be landed at the wharf during this period. However, in the absence of the

freight laydown facility, these would probably be taken directly to the main Hinkley Point C site for immediate use or for storage there. Alternatively a few could be parked on the access road. There would be no advantage to the Applicant in arranging their delivery to Combwich Wharf if there were then nowhere to put them. We do not accept the need for any additional restriction on the use of Combwich Wharf pending the completion of the availability of the freight laydown facility.

C3C – Fill materials

- 261 Requirement C3C would provide that only inert materials would be used as fill in the construction of the proposed freight laydown platform. We consider this to be appropriate. However, as previously indicated, we consider that this restriction should apply project-wide, and be covered by a new Requirement PW36.

C9 – Structures (Fire-fighting water tank)

- 262 Requirement C9 would provide for the approval of details of a proposed fire-fighting water supply tank, for which detailed drawings were not submitted with the application. It is not controversial.

C10 – Flood risk assessment

- 263 Requirement C10 would provide for the proposed development to be carried out in accordance with the recommendations of the Combwich Flood Risk Assessment (APP085) unless otherwise approved by Sedgemoor District Council. We consider this to be necessary, in the interests of flood control.

C12 – Surface water run off

- 264 Requirement C12 would preclude development until a scheme to treat and remove suspended solids from surface water run-off during construction has been approved by Sedgemoor District Council, following consultation with the Environment Agency. We consider that this requirement should be included in the DCO, in the interests of environmental protection.

C13 – Operational working hours

- 265 Requirement C13 would provide that vessels could be unloaded at Combwich Wharf only between the hours of 07:30 and 18:30 each day, unless otherwise approved by Sedgemoor District Council. It would also prohibit the arrival or departure of vehicles in connection with unloading activities at the wharf, the movement of general construction goods between the wharf and the freight laydown facility, and other storage activities at the freight laydown facility, outside the hours of 07:00 to 20:00 on Mondays to Fridays; or outside the hours of 08:00 to 18:00 on Saturdays, Sundays and Bank Holidays. For the avoidance of doubt, these

limits would not apply to the arrival or departure of vehicles in connection with the movement of vessels to or from the wharf, or the departure of abnormal indivisible loads (AILs) from the freight laydown facility.

- 266 Otterhampton Parish Council seeks more restrictive hours of use for these facilities (HE191). It considers that vessels moored at Combwich Wharf should be unloaded only between the hours of 07:30 to 18:30 on Mondays to Fridays and not at all on Saturdays, Sundays and public holidays. Similarly, it considers that use of the freight laydown facility should be confined to 08:00 to 18:30 on weekdays, with no working at all on Saturdays, Sundays or public holidays. It argues that these measures would help protect Combwich residents from noise disturbance.
- 267 We consider that the further restrictions sought by the Parish Council could result in significant delay in the delivery of seaborne materials, and in the completion of the Hinkley Point C project. The arrival and departure of vessels can take place only during a limited window of opportunity on either side of tides of 4.5m or more. This window of opportunity would not occur every day. The unloading of each vessel would be a source of noise, but only for a limited period. We do not accept that a total embargo on weekend working at the wharf would be either proportionate or necessary.
- 268 The freight laydown facility would be some distance from the nearest residential properties, from which it would be screened by mature trees along the side of Combwich Ponds, and by the hedges along either side of the gated access road to Combwich Wharf. The Environmental Statement predicts that maximum noise from the laydown facility at the nearest occupied property would be about 46 dB LAeq. In the circumstances, we are not persuaded that additional restrictions on the timing of the movement of materials to or from this facility would be necessary. However, we consider that the restrictions imposed by Requirement C13 would be appropriate, in the interests of residential amenity.

C13A – Vessel departures and arrivals

- 269 Requirement C13A would prohibit vessels from arriving at or departing from Combwich Wharf on high tides predicted to occur between 22:00 and 06:00. We consider this to be necessary to protect the occupants of residential properties close to Combwich Wharf from nocturnal disturbance.
- 270 Otterhampton Parish Council seeks a requirement which would prohibit vessel movements to or from Combwich Wharf on certain days each month (HE191). This would allow recreational craft some predictable uninterrupted use of Combwich Pill and the River Parrett during the highest tides and periods of slack water. It would also help protect residential amenity. The Parish Council

does not specify the number of days on which commercial vessel movements should be prohibited.

- 271 It is clear that it would be unsafe for leisure craft to manoeuvre to or from Comwich Pill when commercial vessels are arriving at or departing from Comwich Wharf (HE193). The harbour master has indicated that a red flag could be flown during periods when the manoeuvring of commercial barges and tugs might cause a safety hazard for leisure sailors. Access to and from the moorings in Comwich Pill is tidally constrained, and there would be times at which opportunities for recreational boating would be restricted.
- 272 However, these times would be limited, and the Applicant has undertaken to give leisure users at least 48 hours notice of the times at which vessels are expected to manoeuvre to or from the wharf (HE193, Appendix 2). When commercial vessels arrive at Comwich Wharf, the movement of leisure craft could be restricted for a maximum of 90 minutes, although this period might well be a good deal shorter. When commercial vessels depart, the movement of leisure craft might be restricted for a maximum of an hour.
- 273 Commercial vessels calling at Comwich Wharf would need tides of at least 4.5m. Tides of this height occur only in two periods (each of about a week) in every lunar month. In the intervening weeks, when tides would be lower, Comwich residents and recreational boaters would enjoy total respite from the movement of barges to and from the wharf. Leisure craft would have predictable uninterrupted access between Comwich Pill and the River Parrett on high tides during these periods.
- 274 Many recreational boaters can use tides of 3.5m. With a tide of 4.5m making Comwich Wharf accessible to commercial vessels, the depth of water would exceed 3.5m for about $2\frac{3}{4}$ hours. Even if a commercial vessel took up to 90 minutes to berth, there would still be a period of at least $1\frac{1}{4}$ hours available for recreational users.
- 275 We consider it important that the fullest possible use should be made of Comwich Wharf to deliver construction goods to the power station site, and that the proposed development should proceed expeditiously. The imposition of an additional restriction on vessel movements would be counter to these objectives. Accordingly, we do not consider that any change should be made to Requirement C13A as shown in the Applicant's final draft DCO.

C13B – Generator noise

- 276 Requirement C13B would preclude the use of generators on vessels berthed at Comwich Wharf between 23:00 and 05:30 (except in emergencies) unless the Applicant has notified

Sedgemoor Council and erected a public notice at least 48 hours in advance. The public notice would give details of the planned commencement and duration of the nocturnal use of an on-board generator. The noise emitted by such a generator between 23:00 and 07:00 would not exceed 45 dB LAeq, 8 hours when measured outside No 24 Riverside, Combwich, unless otherwise agreed by the Council. We consider this requirement to be appropriate, so as to avoid nocturnal disturbance to residents.

C3D – Operational noise monitoring scheme

- 277 Requirement C3D would provide for an operational noise monitoring scheme to be approved by Sedgemoor District Council before Combwich Wharf is brought into use. Although the Applicant does not propose any general limit on operational noise at Combwich Wharf, the monitoring scheme would measure the effectiveness of limited controls on operational noise through such measures as the restrictions on working hours, on the timing of vessel movements, and on the use of on-board generators. We consider that this would be worthwhile. However, we consider that this requirement may have been wrongly numbered or misplaced in the Applicant's final draft DCO (it could appropriately be renumbered C13C and is included as such in Appendix D).
- 278 Otterhampton Parish Council seeks the imposition of a noise limit on the operation of Combwich Wharf and the freight laydown facility when measured at the façade of the nearest noise sensitive receptors (HE191). It says that this should be set at a level which would permit the delivery of AILs, yet provide some protection for residents. It does not specify the level that would achieve these objectives.
- 279 It is inevitable that the berthing, unloading and departure of barges using Combwich Wharf would generate noise in close proximity to residential properties. Requirements C13, C13A and C13B are intended to address this problem, at least as far as nocturnal noise is concerned. In addition, the nearest residential properties to Combwich Wharf could benefit from the Applicant's Noise Insulation Scheme (PD112 & PD113, Schedule 12 and Annex 16). The berthing and unloading of each barge would take place over only a limited part of any one day. The Applicant does not consider that a realistic operational noise limit could be imposed during these periods, without threatening the viability of the use of the wharf. We have no reason to disagree.

C15 and C15A – Use of the Combwich freight laydown

- 280 Requirement C15 would provide that, with the exception of abnormal indivisible loads (AILs), items stored at the proposed Combwich freight laydown facility should not be in any arrangement exceeding 6m in height, unless otherwise approved by Sedgemoor District Council. Requirement C15A would preclude

the use of the freight laydown facility as a contractor's compound for the Hinkley Point C development, or for the storage of construction materials delivered to the proposed jetty at Hinkley Point, thereby responding to concerns expressed by the Otterhampton Parish Council. We consider these restrictions to be reasonable.

- 281 Otterhampton Parish Council seeks further restrictions on the use of the proposed freight laydown facility (HE191). In particular, it argues that this facility should be used only for the storage of water-borne freight delivered through Combwich Wharf. Alternatively, it argues that the facility should not be used for the storage of AILs delivered by road. It points out that, unlike sea-borne deliveries, road freight would not be dependent on the availability of a storage facility at Combwich. The site is in Flood Zone 3, and its use for the storage of goods brought in by road has not been the subject of a sequential test. It would also constitute inappropriate and unjustified development in the countryside.
- 282 However, it appears that there is likely to be spare storage capacity available at the freight laydown facility from time to time. On such occasions, we can see no good reason why use should not be made of this capacity for the storage of materials delivered by road.

C17 – Replacement pontoon

- 283 Requirement C17 would make provision for the replacement of a pontoon, used by the Combwich Motor Boat and Sailing Club, in accordance with a scheme to be submitted to and approved by Sedgemoor District Council. This would be necessary to facilitate the improvement and use of Combwich Wharf. It is not controversial.

C18 to C21 – Flood control

- 284 The Applicant proposes the insertion of Requirements C18 to C21 in response to representations made by the Environment Agency. Requirement C18 would provide for the monitoring and maintenance of Tuckett's Clyce, an outfall structure through which surface water from the proposed freight laydown facility would drain into the River Parrett. Failure of this structure could give rise to a potential flood risk.
- 285 The Environment Agency remain concerned that Requirement C18 does not provide for the improvement of Tuckett's Clyce (REP108). This may be necessary to enable that structure to perform its present role and manage the additional demands resulting from the proposed development. The Environment Agency suggest that an additional requirement should read as follows:

No development shall be carried out until an inspection/maintenance schedule (and if necessary an upgrade programme) for Tuckett's Clyce has, after consultation with the Environment Agency, been submitted to and approved by the local planning authority.

In view of the increased flood risk to neighbouring land that would result from the proposed Combwich freight laydown facility, we consider this to be reasonable.

286 Requirement C19 would preclude development until details of proposed ground and finished floor levels have (following consultation with the Environment Agency) been approved by Sedgemoor District Council. Requirement C20 would preclude development until engineering details of all rhyne culvert crossings have been approved by Sedgemoor District Council, following consultation with the Environment Agency and the Parrett Internal Drainage Board. Requirement C21 would preclude development until a scheme setting out flood defence improvements (including the creation and maintenance of a bund around the proposed freight laydown facility) has, following consultation with the Environment Agency and the Marine Management Organisation, been approved by Sedgemoor District Council. These requirements are plainly necessary, in view of the site's vulnerability to flooding.

287 The Environment Agency seek the insertion of an additional requirement, that would prohibit land raising or other development within 8m of the River Parrett flood defences (REP108). This would ensure that the flood defences would remain accessible for maintenance purposes. Once again, this requirement seems to us to be reasonable, in the interests of flood control. It has been included in Appendix D as requirement C22A.

C22 – Piling

288 Requirement C22 would prohibit piling or other foundation designs using penetrative methods until details have been approved by Sedgemoor District Council, following consultation with the Environment Agency, Natural England and the Marine Management Organisation. We understand that piling and similar activities could be disruptive to migrating fish. They could also have an adverse effect on residential amenity. We support the inclusion of this requirement.

C23 – Mooring vessels

289 Requirement C23 would provide that, following completion of the Combwich Wharf improvements, vessels carrying goods associated with the proposed Hinkley Point C construction works

would have to moor on the berthing bed provided. This should assist navigation in Comwich Pill and is not controversial.

Other proposed requirements relating to Comwich

Flood risk and the sequential test

- 290 The Otterhampton Parish Council argues that the DCO should require the proposed freight laydown facility to be the subject of a sequential test, as set out in paragraph 5.7.13 of NPS EN-1 (HE191). The site of this proposed development is in Flood Zone 3.
- 291 However, we are satisfied that a sequential test was applied by the Applicant in the process of site selection. This is discussed in section 8.7 of the Applicant's Overarching Flood Risk Assessment Report, which was submitted with the application for development consent (APP080).
- 292 There would clearly be environmental advantages in delivering AILs and other construction goods by water to Comwich Wharf. Due to tidal constraints, barges arriving at the wharf would have to be unloaded as quickly as possible. This would necessitate the provision of storage space in close proximity to the wharf, where goods could be held pending onward transmission to the Hinkley Point C construction site, as and when required. The proposed site of the freight laydown facility would satisfy this criterion.
- 293 An alternative site, lying mainly within Flood Zone 1, was considered by the Applicant. This lies to the north of Cannington village, and is known as the CAN-B site. It is over a kilometre from Comwich Wharf, on the opposite side of the C182 road. The movement of AILs from Comwich Wharf to the CAN-B site would be time-consuming, and disruptive to the movement of traffic along the C182. We do not consider that the CAN-B site would function as well as the preferred site for the freight laydown facility. We therefore consider the requirements of the Sequential Test to have been met.

Requirements relating to the development and operation of the Junction 23 site

- 294 Requirements prefixed 'J23-' would relate to the Junction 23 site, which consists of about 22ha of agricultural land lying a little to the west of the M5. The development of this site would include a park and ride area; facilities for freight management and the consolidation of postal/courier deliveries; and an induction centre (Work 9A). There would also be access improvements (Work 9B).
- 295 Requirements J23-1A (Archaeology), J23-1 (Ecology), J23-3 (Construction compound), J23-4 (Landscape works), J23-6 (Fencing), J23-7 (Lighting), J23-8 (Signage), J23-10 (Surface and foul water) and J23-14 (Highways) are in a similar form to

corresponding requirements for other associated developments discussed above. We support their inclusion in the DCO but do not consider them further here.

J23-2 – Car parking

- 296 Requirement J23-2 would limit the number of car and minibus parking spaces at this site to no more than 1,300, unless otherwise approved by Sedgemoor District Council. We consider this to be acceptable.

J23-9 to J23-12 – Flood risk

- 297 The Junction 23 site is low-lying land, adjacent to the River Parrett. It comes within Flood Zone 3. Requirement J23-9 would provide that the proposed development be carried out in accordance with the recommendations contained in the relevant Flood Risk Assessment (APP086) unless otherwise approved by Sedgemoor District Council.
- 298 Requirement J23-9A would preclude development (including land raising) within 8m of the River Parrett flood defences (other than as shown on an application plan as approved). This would ensure that the flood defences remained accessible for maintenance purposes. Requirement J23-9B would preclude development from starting before ground and finished floor levels have been approved by Sedgemoor District Council, following consultation with the Environment Agency.
- 299 Requirement J23-11 would preclude development from starting until engineering details of all rhyne culvert crossings have been approved by Sedgemoor District Council, following consultations with the Environment Agency and the Parrett Internal Drainage Board. Requirement J23-12 would provide for improvements to be made to the River Parrett flood defences, prior to the proposed development coming into use.
- 300 We consider that each of these requirements should be imposed, in the interests of flood control.

Requirements relating to the Junction 24 site

- 301 Requirements prefixed 'J24-' would relate to the Junction 24 site, which consists of a disused distribution depot, including a large warehouse and yard. It covers about 8ha. It lies within the Huntworth Business Park on the southern edge of Bridgwater, and is close to Junction 24 on the M5. The development of this site (Work No 10) would include a park and ride area; and facilities for freight management. It would also provide temporary facilities for the consolidation of postal/courier deliveries and for staff induction, pending the development of the Junction 23 site.

302 Requirements J24-2 (Construction compound), J24-3 (Landscape works), J24-5 (Access), J24-6 (Fencing), J24-7 (Lighting), J24-8 (Signage) and J24-10 (Surface and foul water) are in a similar form to corresponding requirements for other associated developments discussed above. We support their inclusion in the DCO but do not consider them further here.

J24-1 – Car parking

303 Requirement J24-1 would limit the number of car and minibus parking spaces at this site to no more than 1,300, unless otherwise approved by Sedgemoor District Council. We consider this to be acceptable.

J24-2A – Vegetation clearance

304 Requirement J24-2A would prohibit the clearance of vegetation between March and August (inclusive) except in accordance with a scheme for the protection of breeding birds, which had been approved by Sedgemoor District Council. This is not controversial. We consider that it should be included in the DCO in the interests of nature conservation.

J24-9 – Flood risk

305 Requirement J24-9 provides that the development must be carried out in accordance with the recommendations of the Junction 24 Flood Risk Assessment (APP087) unless otherwise approved by Sedgemoor District Council. This is not controversial. We consider that it should be included in the DCO in the interests of flood control.

Requirements relating to the development and operation of the Williton site

306 Requirements prefixed by the letters 'WP' relate to the site of a disused lorry park at Williton, which is proposed for temporary development as a park and ride facility (Work No 11). The site measures about 1.6ha and contains extensive hard surfacing.

307 Requirements WP2 (Construction compound), WP3 (Landscape works), WP5 (Access), WP6 (Fencing), WP7 (Lighting), WP8 (Signage) and WP11 (Surface and foul water) are in a similar form to corresponding requirements for other associated developments discussed above. We support their inclusion in the DCO but do not consider them further here.

WP1 – Car parking

308 Requirement WP1 would limit the number of car and minibus parking spaces at this site to no more than 160 unless otherwise approved by West Somerset District Council. We consider this to be acceptable.

WP2A – Vegetation clearance

- 309 Requirement WP2A would prohibit the clearance of vegetation between March and August (inclusive) except in accordance with a scheme for the protection of breeding birds, which had been approved by West Somerset District Council. This is not controversial. We consider that it should be included in the DCO in the interests of nature conservation.

WP9, WP10 and WP12 – Flood risk and drainage

- 310 Requirement WP9 would provide for the proposed development to be carried out in accordance with the recommendations of the Williton Flood Risk Assessment (APP088).
- 311 Requirement WP10 would preclude the proposed development from starting until engineering details of a proposed surface water outfall have been approved by West Somerset District Council. The approved details would then be put into effect.
- 312 Requirement WP12 would preclude development from starting until a scheme to remove suspended solids and other contaminants from surface water run-off during construction works has been approved by West Somerset District Council. The approved scheme would then be implemented.
- 313 We consider that these requirements should be included in the DCO, in the interests of flood prevention and environmental protection.

Post-operational requirements (BRIA16, BRIC13, CP13, C16, J23-15, J24-11 and WP13)

- 314 Requirements BRIA16, BRIC13, CP13, C16, J23-15, J24-11 and WP13 would each provide for a post-operational scheme for one of the temporary associated development sites¹, to be submitted to the local planning authority (for its approval), prior to the completion of the Hinkley Point C construction works.² The schemes would accord with the Post-Operational Strategy (which is Appendix A4 of the Planning Statement submitted for development consent (APP295)). Unless otherwise approved, any works required under the post-operational schemes would be completed within a defined period following the completion of the Hinkley Point C construction works.

¹ Temporary associated development sites are listed in the Interpretation section of Schedule 11 of the application draft DCO, and we consider that such a list should be reinstated in the DCO if the application for development consent succeeds (see paragraph 47 above). They are the sites of Works Nos 3, 4A, 5A, 7A, 8A(i) to (p), 9A, 10 and 11.

² The 'HPC construction works' are defined in the Interpretation section of Schedule 11 of the DCO to mean 'construction activities associated with the construction of Works Nos 1A, 1B, 1C, 2A to 2H, 3, TJ1, TJ2, TJ3 and TJ0, 8A and 6A to 6J.

- 315 However, we are not convinced that the DCO should make provision for these post-operational schemes. It is not wholly clear to us what would happen if a post-operational scheme was not approved, either by the local planning authority or on appeal. There would be nothing to require the submission of further post-operational schemes until one was approved. Furthermore, it is conceivable that approval of a post-operational scheme that entailed development requiring planning permission might be thought to fetter the discretion of the relevant local planning authority in considering a subsequent planning application. In our view, the use and development of the sites in question, following the completion of the Hinkley Point C construction works, should be resolved through normal development management procedures under the Town and Country Planning Act 1990.
- 316 Article 6A of the draft DCO would provide for the site of a temporary associated development to be returned to its previous lawful use following the cessation of its temporary use, in accordance with s57(2) of the Town and Country Planning Act 1990. Where appropriate, we consider that specific requirements should provide for the removal of temporary buildings or structures on associated development sites once these have served their intended purpose. We also consider that, where appropriate, requirements should be imposed to secure the restoration of the site to a condition suitable for the resumption of its previous lawful use, and to its original level.

The Bridgwater accommodation campuses

- 317 The Bridgwater A and C accommodation campuses are proposed as temporary developments. Each of these sites is within Flood Zone 3 and the relevant Flood Risk Assessments (APP081 & APP082) cover only the period up to the early 2020s. The permanent retention of the proposed buildings on these sites could clearly have implications for flood risk in the longer term. Although the Post-Operational Strategy for Bridgwater A indicates that the retention of the proposed buildings would be optional, we do not consider that that should be the case, unless planning permission has been granted for their longer term retention. In considering whether to grant such a planning permission, the local planning authority would have to have regard to (and consult on) the implications of any longer term flood risk.
- 318 In the circumstances, we consider that development consent for these buildings should be temporary, and that Requirement BRIA16 should provide for their removal on completion of the Hinkley Point C construction works. We do not consider that this should take more than 12 months. We consider that Requirement BRIA16 should be recast as follows:

All proposed buildings on the site of Work No 4A shall be demolished, and all materials resulting from their

demolition shall be removed from the site, within 12 months of the completion of the HPC construction works.

- 319 The Post-Operational Strategy for Bridgwater C indicates that the proposed accommodation buildings should be retained, possibly as student accommodation or teaching space, for use by the neighbouring Bridgwater College. However, we consider that development consent for these buildings should be temporary, and that Requirement BRIC13 should provide for their removal after the completion of the Hinkley Point C construction works. We consider that Requirement BRIC13 should be recast as follows:

All proposed buildings on the site of Work No 5A shall be demolished, and all materials resulting from their demolition shall be removed from the site, within 12 months of the completion of the HPC construction works.

The Cannington Park and Ride

- 320 The Post Operational Strategy envisages that the most likely future for the Cannington park and ride site would be its restoration to agricultural use. It seems to us that the introduction of any alternative use would be likely to entail development requiring planning permission. The park and ride use would be justified only as a temporary development, for the duration of construction work on the proposed power station. We consider that, when that work comes to an end, Requirement CP13 should provide that all buildings would be removed, and that the site should be restored to a condition suitable for agricultural use. The Environment Agency are particularly concerned that the site should be restored to its original level, as part of it is particularly liable to flood. We agree. Accordingly, we consider that Requirement CP13 should be recast as follows:

Within 12 months of the completion of the HPC construction works all buildings on the site of Work No 7A shall be demolished; all materials resulting from their demolition shall be removed from the site; and the land shall be restored to its pre-development level, and to a condition suitable for agricultural use.

The Combwich freight laydown

- 321 The freight laydown facility would be a temporary development. Its proposed site is susceptible to flooding and the Combwich Flood Risk Assessment does not look beyond the early-2020s. We consider it essential that, following completion of the proposed power station development, all temporary buildings should be removed from this area, and the land restored to its pre-development level.
- 322 The Post Operational Strategy envisages that the most likely future for the site of the freight laydown facility would be its

restoration to agricultural use. It seems to us that the introduction of any alternative use would be likely to entail development requiring planning permission. Accordingly, we consider that Requirement C16 should be recast as follows:

Within 12 months of the completion of the HPC construction works, all buildings on the site of Work No 8A(i) to (p) shall be demolished; all materials resulting from their demolition shall be removed from the site; and the land shall be restored to its pre-development level, and to a condition suitable for agricultural use.

The Junction 23 site

- 323 Requirement J23-15 would provide for a reinstatement scheme for the Junction 23 site to be submitted to Sedgemoor District Council (for its approval) prior to the completion of the Hinkley Point C construction works. The scheme would include arrangements for the restoration of the ground level, and the removal of temporary buildings, structures, internal roads and hard-standings. We consider that these measures would be entirely appropriate, particularly as this site is in Flood Zone 3. However, we see no need for the submission or approval of a scheme to secure them. We also consider that this site should be restored to a condition suitable for the resumption of its existing agricultural use. We consider that Requirement J23-15 should be recast as follows:

Within 12 months of the completion of the Hinkley Point C construction works all temporary buildings, structures, internal access roads and areas of hardstanding shall be removed from the site of Work No 9A. The ground shall be restored to its pre-development level, and to a condition suitable for agricultural use.

The Junction 24 site

- 324 Requirement J24-11(1) would provide that, prior to the completion of the Hinkley Point C construction works, a post-operational scheme for the Junction 24 site would be submitted to Sedgemoor District Council for its approval. The scheme would be in accordance with the Applicant's post-operational strategy as set out in the Planning Statement (APP295) submitted with its application. This envisages that the site might either be restored to a storage/distribution use, or redeveloped for business or industrial purposes. It is therefore not clear whether planning permission would be required.
- 325 We see no need for this requirement. The use of these premises as an associated development site would cease following the completion of the Hinkley Point C construction works, in accordance with Requirement PW27 of the DCO; and the previous lawful use could then be resumed in accordance with Article 6A.

Any further development proposed at that time would have to be authorised in accordance with normal planning procedures. We consider that Requirement J24-11 should be omitted from the DCO.

The Williton Park and Ride

- 326 The Post-Operational Strategy for the Williton park and ride site envisages that this land might revert to use as a lorry park, when its use as a park and ride ceases. However, a planning application could be made for the introduction of some alternative form of development. We see no need for Requirement WP13, which would provide for the submission and approval of a post operational scheme. The use of these premises as an associated development site would cease following the completion of the Hinkley Point C construction works, in accordance with Requirement PW27 of the DCO; and the previous lawful use could then be resumed in accordance with Article 6A. Any further development proposed at that time would have to be authorised in accordance with normal planning procedures. We consider that Requirement WP13 should be omitted from the DCO.

**APPENDIX D - THE DEVELOPMENT CONSENT ORDER
(TRACKED)**

This appendix is a separate document. Please use the link below:

http://infrastructure.planningportal.gov.uk/Hinkley_decision_appendixD.pdf

APPENDIX E - ABBREVIATIONS

AA	Appropriate assessment
AFD	acoustic fish deterrent
AIL	Abnormal Indivisible Load
AOD	above ordnance datum (Newlyn)
AONB	Area of Outstanding Natural Beauty
ASC	Avon and Somerset Constabulary
the Act	The Planning Act 2008
BDSCT	Bristol deep sea container terminal
CA	Competent Authority
CAA	Civil Aviation Authority
CABE	Commission for Architecture and the Built Environment
CA Land	The plots of land identified in the Book of Reference
CA Plans	The Land Plans (APP006)
CCTV	closed circuit television
CCW	Countryside Council for Wales
CEMP	Construction Environmental Management Plan
CHP	combined heat and power
CIL	Community Infrastructure Levy
CoCP	Code of Construction Practice
CWDS	Construction Workforce Development Strategy
CWS	County Wildlife Site
dB(A)	decibels (A weighted)
DECC	Department of Energy and Climate Change
Defra	Department for Environment, Food and Rural Affairs
DCO	Development Consent Order
EDF	Électricité de France
EA	Environment Agency
EMMP	Environmental Management and Monitoring Plan
ES	Environmental Statement
et seq	and the following
FRA	flood risk assessment
FRR	fish recovery and return
GPDO	General Permitted Development Order
ha	hectare
HA	Highways Agency
HEO	Harbour Empowerment Order
HGV(s)	heavy goods vehicle(s)
HRA	habitats regulations assessment
HSE	Health and Safety Executive
ibid	in the same passage
IPC	Infrastructure Planning Commission
IROPI	imperative reasons of overriding public interest
J23	Junction 23 of the M5 motorway
J24	Junction 24 of the M5 motorway
km	kilometres
km ²	square kilometres
kV	kilovolts
LAeq, T	equivalent continuous sound level (averaged over time T)
LAm _{ax}	maximum sound level

LVIA	landscape and visual impact assessment
m	metres
m ²	square metres
m ³	cubic metres
mg	milligrams
µg	micrograms
MOD	Ministry of Defence
MMO	Marine Management Organisation
MW	megawatts
NE	Natural England
NNR	National Nature Reserve
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
ONR	Office for Nuclear Regulation
OPC	Otterhampton Parish Council
p	page
para	paragraph
PIC	Public Information Centre
PM10	Particulate matter of <10 µg
pp	pages
PPG	Planning Policy Guidance [Note]
PPS	Planning Policy Statement
PRoW	Public Right of Way
RFC	Rugby Football Club
RIES	Report on the Implications for European Sites
RSPB	Royal Society for the Protection of Birds
s	section (in document)
SAC	Special Area of Conservation
SCC	Somerset County Council
SCES	Supply Chain Engagement Strategy
SCI	Site of Community Importance
SDC	Sedgemoor District Council
SEAG	Socio-economic Advisory Group
SNCBs	Statutory Nature Conservation Bodies
SoCG	Statement of Common Ground
SPA	Special Protection Area
SPC	Stogursey Parish Council
SSMP	Subject Specific Management Plan
SSSI	Site of Special Scientific Interest
TIMP	Traffic Incident Management Plan
TWAO	Transport and Works Act Order
ULSD	Ultra-low sulphur diesel
WHAG	West Hinkley Action Group
WHO	World Health Organisation
WSC	West Somerset District Council