

## The Planning Act 2008

### Section 55 Acceptance of Applications

(Appendix 2 of advice note six: Preparation and submission of application documents)

- (1) The following provisions of this section apply where the Commission receives an application that purports to be an application for an order granting development consent.
- (2) The Commission must, by the end of the period of 28 days beginning with the day after the day on which it receives the application, decide whether or not to accept the application.
- (3) The Commission may accept the application only if the Commission concludes -
  - (a) that it is an application for an order granting development consent,
  - (b) that it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5),
  - (c) that development consent is required for any of the development to which the application relates,
  - (d) that the application gives reasons for each respect in which any applicable guidance given under section 37(4) has not been followed in relation to it, and
  - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure).
- (4) The Commission, when deciding whether it may reach the conclusion in subsection (3)(e), must have regard to -
  - (a) the consultation report received under section 37(3)(c),
  - (b) any adequacy of consultation representation received by it from a local authority consultee, and
  - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4) -

“local authority consultee” means -

  - (a) a local authority consulted under section 42(b) about a proposed application that has become the application, or
  - (b) the Greater London Authority if consulted under section 42(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48.
- (6) If the Commission accepts the application, it must notify the applicant of the acceptance.
- (7) If the Commission is of the view that it cannot accept the application, it must -
  - (a) notify that view to the applicant, and
  - (b) notify the applicant of its reasons for that view.
- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

**DISCLAIMER** - This is for information only and is not a formal application document. It is a non-statutory checklist for the IPC Secretariat and Commissioner to complete. Completion or self assessment by the applicant does not hold weight at the acceptance stage.

**NB: See CLG Application Form Guidance for guidance on how the application form should be completed and what should be included with it.**

**Section 55 Acceptance of Applications**

**Section 55 Application Checklist**

<b>Section 55(2) Acceptance of Applications</b>			
Within 28 days (starting day after receipt) the Commission must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
	<b>31 October 2011</b>	<b>28 November 2011</b>	<b>24 November 2011</b>
<b>Section 55(3) – the Commission may <u>only</u> accept an application if it concludes that:-</b>		<b>Secretariat Comments</b>	<b>Commissioner Note</b>
<b>1. it is an application for an order granting development consent (s55(3)(a))</b>			
1.1 does the application state on the face of it that it is an application for a development consent order (DCO) under the 2008 Act, or equivalent words?	Yes – section 4 of the submitted application form states, <i>“The application is for a development consent order to enable the applicant to construct and operate a nuclear power station together with associated development..”</i>	Agreed	
<b>Commissioner summary - s55(3)(a)</b>	<b>Agree the application is for a DCO.</b>		
<b>2. it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) (s55(3)(b))<sup>1</sup></b>			
2.1 does the application specify the development to which it relates (i.e. which category or categories in sections 14-30 does the application scheme fall)?	Yes – section 4 of the submitted application form states, <i>“Hinkley Point C (HPC) is an onshore generating station having the capacity of more than 50MW and, as such, is a nationally significant infrastructure project (NSIP) for the purposes of sections 14 (1)(a) and 15(2) of the Planning Act 2008”.</i>	Agreed	
2.2 is it made in the prescribed form as set out in Schedule 2 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“the APFP Regulations”)?	Yes – section 4 of the submitted application form explains why the project falls	Agreed	

<sup>1</sup> Although the IPC has now decided not to set such standards.

<p>and includes:  a brief statement which explains why it falls within the remit of the Commission?  a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</p>	<p>within the remit of the IPC. Section 6 of the submitted application form describes the location (grid refs) of the proposed nuclear generating station and associated development sites, and also the proposed highway improvement works.</p>	
<p>2.3 is it accompanied by the consultation report?</p>	<p>The Consultation Report (Doc 3.1) summarises what was done in response to S42, S47 and S48. (37(7)(a)). (Doc 3.1 Table 1.6, Doc 3.1 Appendix F)   A schedule of responses and a report of the account taken of them is appendix H to the report. (37(7)(b) and (c))</p>	<p>Agreed</p>
<p>2.4 is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below?:</p>		
<p>1) where applicable, the environmental statement required under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (“the EIA Regulations”) and any scoping or screening opinions or directions;</p>	<p>ES provided as Docs 4.1- 4.19</p>	<p>Agreed - Non technical summary is Doc 4.1</p>
<p>(a) the draft proposed order;</p>	<p>Yes - The applicant has supplied a draft development consent order and a marked-up copy comparing the draft DCO with the Model Provisions Order.   (Docs 5.1 and 5.2)</p>	<p>Agreed</p>
<p>(b) an explanatory memorandum explaining the purpose and effect of provisions in the draft order, including in particular any divergences from the model provisions (SI 2009 2265);</p>	<p>Yes - The applicant has supplied an explanatory memorandum, which addresses each provision of the draft order in turn.   (Doc 5.3)</p>	<p>Agreed</p>
<p>(c) where applicable, the book of reference (where the application involves any compulsory acquisition);</p>	<p>Articles 18-33 and 70 of the draft DCO (Doc 5.1) seek compulsory acquisition powers.   The applicant has provided a</p>	<p>Noted</p>

	<p>book of reference (Doc 6.3), which contains all 5 parts required by regulation 7 and includes the names and addresses for service. The book of reference is broken down into land associated with each development site.</p> <p>The plots identified in the book of reference are displayed on the Land Plans. See 2.4(i) below</p>	
<p>(d) a copy of any flood risk assessment;</p>	<p>Yes –</p> <ul style="list-style-type: none"> <li>• Doc 3.2: Hinkley Point C Development Site Flood Risk Assessment</li> <li>• Doc 3.3: Highway Improvements Flood Risk Assessment</li> <li>• Doc 3.4: Overarching Flood Risk Assessment Report</li> <li>• Doc 3.5: Bridgwater A Flood Risk Assessment</li> <li>• Doc 3.6: Bridgwater C Flood Risk Assessment</li> <li>• Doc 3.7: Cannington Bypass Flood Risk Assessment</li> <li>• Doc 3.8: Cannington Park and Ride Flood Risk Assessment</li> <li>• Doc 3.9: Combwich Flood Risk Assessment</li> <li>• Doc 3.10: Junction 23 Flood Risk Assessment</li> <li>• Doc 3.11: Junction 24 Flood Risk Assessment</li> <li>• Doc 3.12: Williton Flood Risk Assessment</li> </ul>	<p>Agreed</p>

	<ul style="list-style-type: none"> <li>• Doc 3.13: Cannington Flood Risk Assessment Modelling Report</li> <li>• Doc 3.14: Combwich and Junction 23 Flood Risk Assessment Modelling Report</li> </ul>	
(e) a statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them;	Yes - Doc 3.15: Environmental Protection Act Statement	Agreed
2) any report identifying any European site to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 <sup>2</sup> applies, or any Ramsar site, which may be affected by the proposed development, together with sufficient information that will enable an appropriate assessment to be made of the implications for the site if required by regulation 48(1)	Yes - Doc 3.16: Report to Inform Habitats Regulation Assessment	Agreed There is no evidence to suggest that sufficient information has not been provided to enable the appropriate assessment to be made.
(f) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);	Yes - The applicant has supplied a Statement of Reasons and a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded.  (Docs 6.1 and 6.2 respectively)	Agreed
(g) a land plan identifying:- (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land	22 Land Plans submitted (Doc 2.1)  Where relevant, plans identify: - Limits of land in relation to which it is proposed to extinguish easements, servitudes and other private rights - Land to be subject to powers of compulsory acquisition - Land to be temporarily used - Land proposed to be temporarily used and	Noted

<sup>2</sup> Now Regulation 61 of the [Conservation of Habitats and Species Regulations 2010 SI2010/490](#).

	<p>over which new rights are proposed to be acquired</p> <ul style="list-style-type: none"> <li>- Land required for or affected by the proposed development but not subject to compulsory acquisition</li> <li>- Crown interests</li> <li>- Land over which new rights are to be acquired</li> </ul> <p>Discrepancies have been found between the description of works in the Book of Reference and the information on the Land Plan with regards to the following:</p> <p><b>Land Plan Sheet 4</b> BRI – A_2 Book of reference shows full acquisition, whereas Land Plan only shows temporary use.</p> <p><b>Land Plan Sheet 6</b> West_47 Land Plan shows as “<i>New Rights to be acquired</i>” but this does not match the Book of Reference description. West_54 Land Plan shows as “<i>New Rights to be acquired</i>” but this does not match the Book of Reference description. West_61 Land Plan shows as “<i>New Rights to be acquired</i>” but this does not match the Book of Reference description. West_70 Land Plan shows as “<i>New Rights to be acquired</i>” but this does not match the Book of Reference description.</p> <p><b>Land Plan Sheet 8</b> COMB_27 Land Plan shows the work as Crown Interest,</p>	<p>There are several discrepancies between the information on the land plans and the descriptions shown in the Book of Reference that will need to be resolved in due course. However, in our view, none are matters that, individually or collectively, would justify non acceptance in this case.</p>
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	<p>COMB_28 but the work is not listed under Part 4 Crown Interests in the Book of Reference (page 770) Land Plan shows the work as Crown Interest, but the work is not listed under Part 4 Crown Interests in the Book of Reference (page 770)</p> <p>Small discrepancies have been found between the works areas shown on the works plans and the area shown on the land plan with regards to the following:</p> <p><b>HP/WP/20</b> Work No 12</p> <p><b>HP/WP/23</b> Work No 15a</p> <p><b>HP/WP/27</b> Work No 19</p> <p><b>HP/WP/28</b> Work No 20a Work No 20b</p>	
<p>(h) a works plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order;</p>	<p>30 Works Plans submitted (Doc 2.2). Where relevant the plans identify:</p> <ul style="list-style-type: none"> <li>- Order limits</li> <li>- Temporary Jetty Seaward Harbour Limits</li> <li>- Limits of Deviation</li> <li>- Centre Lines of Works</li> <li>- Accesses to be provided or improved</li> </ul>	<p>Noted – Plans are on an OS base.</p>

	- Limits of linear scheduled works	
(i) where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation;	<p>21 Rights of Way Plans submitted (Doc 2.3).</p> <p>All relevant works, stopping up etc. listed in schedules 3-6 and all accesses to works listed in schedule 7 of the draft DCO are accurately accounted for on the rights of way plans. Diversions are described in article 8A of the draft DCO, and these are also accurately reflected on the rights of way plans.</p>	Noted
<p>(j) where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/non-statutory sites/ features of nature conservation e.g. sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development;</p>	<p>ES (Docs 4.1-4.19) and Report to inform Habitats Regulations Assessment (Doc 3.16). Referred to in the Design and Access Statements (Docs 8.1-8.11).</p> <p><i>(i) Geological importance</i></p> <ul style="list-style-type: none"> <li>• HPC development site – Figure 14.3 and Chapter 14 of Vol 2 (Doc 4.3).</li> </ul> <p><i>Landscape importance:</i></p> <ul style="list-style-type: none"> <li>• HPC development site – Figures 22.4-22.7 and Chapter 22 of Vol 2 (Doc 4.3) including Appendices.</li> <li>• Other sites – Figures 15.2 and 15.3 and Chapter 15 of Vols 3-10 (Docs 4.4-4.11)</li> </ul> <p><i>(ii) Plans of habitats of protected species and important habitats and other diversity features:</i></p>	Noted

	<ul style="list-style-type: none"> <li>• HPC development site – Figures 20.1-20.10 of Chapter 20 of Vol 2 (Doc 4.3). Plans in Appendices 20A-20K and 20Q (Doc 4.3)</li> <li>• Bridgwater A – Figures 14.2-14.4 and plans in Appendix 14A of Vol 3 (Doc 4.4).</li> <li>• Bridgwater C – Figures 14.2-14.4 of Vol 4 (Doc 4.5).</li> <li>• Cannington Bypass – Figures 14.2-14.4 and plans in Appendices 14A and 14F of Vol 5 (Doc 4.6).</li> <li>• Cannington Park and ride - Figures 14.2-14.4 and plans in Appendices 14A and 14E of Vol 6 (Doc 4.7).</li> <li>• Combwich - Figures 14.3-14.6 and plans in Appendices 14A and 14B of Vol 7 (Doc 4.8).</li> <li>• Junction 23 - Figures 14.2-14.4 and plans in Appendix 14E of Vol 8 (Doc 4.9).</li> <li>• Junction 24 - Figures 14.2-14.4 of Vol 9 (Doc 4.10).</li> <li>• Williton - Figures 14.3-14.5 of Vol 10 (Doc 4.11).</li> <li>• Marine – Figures 19.1, 19.8-19.11 and 19.18 of Chapter 19 of Vol 2 (Doc 4.3).</li> </ul>	
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	<p><i>Accompanying information and assessment of impacts on habitats of protected species and important habitats and other diversity features:</i></p> <ul style="list-style-type: none"> <li>• HPC development site – Chapter 20 of Vol 2 (Doc 4.3).</li> <li>• Other sites – Chapter 14 of each of Vols 3-10 (Docs 4.4-4.11). Appendices 14A-C of Vol 4 (Doc 4.5), Vol 9 (Doc 4.6) and Vol 10 (Doc 4.11). Appendices 14A-D of Vol 3 (Doc 4.4). Appendices 14A-E of Vols 5-8 (Doc 4.6-4.10).</li> <li>• Marine – Chapter 19 of Vol 2 (Doc 4.3) and Chapter 18 of Vol 7 (Doc 4.8).</li> </ul> <p><i>(iii) Water bodies in a RBMP:</i></p> <ul style="list-style-type: none"> <li>• Figure 16.9 and Chapter 16 Vol 2 (Doc 4.3).</li> </ul> <p>Chapters 16, 17, 18 (including Appendix 18B) and 19 of Vol 2 (Doc 4.3); 18 of Vol 7 (Doc 4.8) and Chapter 13 of Vols 3-10 (Docs 4.4-4.11).</p>	
<p>(k) where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development;</p>	<p><i>Plans of sites and features of historic environment and accompanying information:</i></p> <ul style="list-style-type: none"> <li>• HPC development site - Figures 23.1, 23.2, 22.3, 23.4, 23.5, 23.6, 23.9 and 23.10 of Vol 2 and Appendices 23A, B and C (Doc 4.3).</li> <li>• Other sites - Figures</li> </ul>	<p>Noted</p>

	<p>16.1 and Appendices 16A of each of Vols 3-10 (Docs 4.4-4.11) and Figure 16.2 of Volume 5 (Doc 4.6) and Figure 6.4 of Vol 11 (Doc 4.12).</p> <p><i>Accompanying information and assessment of impacts on sites and features of the historic environment:</i></p> <ul style="list-style-type: none"> <li>HPC development site and highway improvements - Chapters 23 and 24 of Vol 2 (Doc 4.3).</li> </ul> <p>Other sites - Chapter 16 of Vols 3-10 (Docs 4.4.-4.11) and Chapters 5 and 6 of Vol 11 (Doc 4.12).</p>	
<p>(l) where applicable, a plan with any accompanying information identifying any Crown land;</p>	<p>Crown Interests identified on Land Plans:</p> <p><b>Land Plan Sheet 1:</b> MAIN_3, MAIN_4, MAIN_7, MAIN_9</p> <p><b>Land Plan Sheet 2:</b> MAIN_1, MAIN_2, MAIN_3, MAIN_4</p> <p><b>Land Plan Sheet 3:</b> MAIN_1</p> <p><b>Land Plan Sheet 8:</b> COMB_1, COMB_3, COMB_4, COMB_5, COMB_7, COMB_8, COMB_9, COMB_10, COMB_11, COMB_23, COMB_27, COMB_28, COMB_35, COMB_36</p> <p><b>NB – COMB_27 and COMB_28 not listed in the Book of Reference under Part 4 Crown Interests (pg 770)</b></p> <p><b>Land Plan Sheet 19:</b> J23-S_1, J23-S_2, J23-S_4, J23-</p>	<p>Noted</p> <p>These discrepancies will need to be resolved in due course. However, in our view, they are not matters that would justify non acceptance in this case.</p>

	S_6, J23-S_13, J23-S_14, J23-S_15	
<p>(m) any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping;</p>	<p>The application form (Doc 1.1) notes that other plans, drawings and sections necessary to describe the proposals can be found in:</p> <p><b>Doc 2.4</b> – Hinkley Point C Development Site Plans</p> <p><b>Doc 2.5</b> – Highway Improvements Plans</p> <p><b>Doc 2.6</b> – Hinkley Point C Accommodation Campus Plans</p> <p><b>Doc 2.7</b> – Bridgwater A Plans</p> <p><b>Doc 2.8</b> – Bridgwater C Plans</p> <p><b>Doc 2.9</b> – Cannington Bypass Plans</p> <p><b>Doc 2.10</b> – Cannington Park and Ride Plans</p> <p><b>Doc 2.11</b> – Combwich Plans</p> <p><b>Doc 2.12</b> – Junction 23 Plans</p> <p><b>Doc 2.13</b> – Junction 24 Plans</p> <p><b>Doc 2.14</b> – Williton Plans</p> <p>Further information showing details of design etc as set out in Reg 5(2)(o) can be found in Design and Access Statements:</p> <p><b>Doc 8.1</b> – Hinkley Point C Project Wide Design and Access Statement</p> <p><b>Doc 8.2</b> – Hinkley Point C Development Site Design and Access Statement</p> <p><b>Doc 8.3</b> – Hinkley Point C Accommodation Campus Design and Access Statement</p>	<p>Noted</p> <p>There is a comprehensive set of drawings for approval and further illustrative plans ('drawings not for approval') which together describe the proposed development.</p>

	<p><b>Doc 8.4</b> – Bridgwater A Design and Access Statement</p> <p><b>Doc 8.5</b> – Bridgwater C Design and Access Statement</p> <p><b>Doc 8.6</b> – Cannington Bypass Design and Access Statement</p> <p><b>Doc 8.7</b> – Cannington Park and Ride Design and Access Statement</p> <p><b>Doc 8.8</b> – Comwich Design and Access Statement</p> <p><b>Doc 8.9</b> – Junction 23 Design and Access Statement</p> <p><b>Doc 8.10</b> – Junction 24 Design and Access Statement</p> <p><b>Doc 8.11</b> – Williton Design and Access Statement</p>	
<p>(n) any of the documents prescribed by Regulation 6 of the APFP Regulations.</p> <p><b>NB:-</b> These are documents which are relevant to specific types of project (generating stations, highway related development, railways, harbour facilities, pipelines, hazardous waste facilities, dam or reservoirs). Confirm in each case the type of project and the relevant documents which <b>must</b> be included with the application in each case.</p>	<p>Yes. Regulation 6(1)a of the APFP regs requires: <i>"if the application is for a generating station, that is not an offshore generating station— (i) a statement of who will be responsible for designing and building the connection to the electricity grid"</i>. The applicant has supplied a Connection Statement.</p> <p>(Doc 7.1)</p>	<p>Agreed</p>
<p>(o) any other documents considered necessary to support the application; and</p>	<p>The applicant has identified the following documents as having been submitted under Reg (5)(2)(q) (Doc 1.2, Box 23):</p> <p>1.1 List of Application Documents</p> <p>1.2 Application Form</p> <p>1.3 Copies of Newspaper</p>	<p>Noted</p>

	<p>Notices</p> <p>1.4 Navigation Document</p> <p>1.5 Glossary</p> <p>8.1 Hinkley Point C Project Wide Design and Access Statement</p> <p>8.2 Hinkley Point C Development Site Design and Access Statement</p> <p>8.3 Hinkley Point C Accommodation Campus Design and Access Statement</p> <p>8.4 Bridgwater A Design and Access Statement</p> <p>8.5 Bridgwater C Design and Access Statement</p> <p>8.6 Cannington Bypass Design and Access Statement</p> <p>8.7 Cannington Park and Ride Design and Access Statement</p> <p>8.8 Combwich Design and Access Statement</p> <p>8.9 Junction 23 Design and Access Statement</p> <p>8.10 Junction 24 Design and Access Statement</p> <p>8.11 Williton Design and Access Statement</p> <p>8.12 Planning Statement</p> <p>8.13 Accommodation Strategy</p> <p>8.14 Sustainability Strategy</p> <p>8.15 Health Impact Assessment</p> <p>8.16 Economic Strategy</p> <p>8.17 Hinkley Point C Landscape Strategy.</p> <p>All of the documents listed have been provided</p>	
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<p>(p) if requested by the Commission, three paper copies of the application form and other supporting documents and plans.</p>	<p>Having regard to the scale of the submission, the Secretariat agreed a project-specific requirement of 2 full hard copies of the application documents, with additional copies of key documents as required.</p> <p>The documents were supplied in the form and quantity requested.</p>	<p>Agreed</p>
<p>2.5 Are the plans, drawings or sections submitted AO size or smaller, drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, show the direction of north? APFP Regulation 5(3)</p> <p><b>NB:-</b> It is not intended that information provided in other documents, such as any Environmental Statement submitted, should be duplicated. It is possible therefore to cross refer to the location of relevant information – see CLG Guidance on application forms paragraphs 33 – 38.</p>	<p>The following plans submitted under Regulation 5(2) do not adhere to Reg 5(3) due to the following issues:</p> <p><b>Scale bar (&amp; any measured distances) does not match scale identified on sheet</b></p> <p>HP/WP/01  HP/WP/02  HP/WP/03  HP/WP/04  HP/WP/05  HP/WP/06  HP/WP/07  HP/WP/08  HP/WP/09  HP/WP/10  HPCSPW010  HPCSPW011 Rev1  HPCSPW012a  HPCSPW013b  HPCSPW014  HPCSPW015  HPCSPW016 Rev1  HPCSPW017  HPCSPW019 Rev1  HPCSPW022  HPCSPW025a Rev2  HPCSPW025b Rev1  HPCSPW026  HPCSPW027  HPCSPW028  500  502</p>	<p>Noted</p> <p>Some of the scale bar issues will need to be addressed/ resolved in due course (probably by the provision of updated plans). However, in our view, none of the deficiencies listed are matters that, individually or collectively, would justify non acceptance in this case.</p>

	306.1 306.2 204 520003 500106 000101 001001 001002 001003 001004 001005 001006 001101 001102 001103 001104 001105 001106 005001 005003 005004 005005 005006 010201 010202 500106 1520 1615 1003 1005 1013 1016 1018 1022 007001 840301 840330 840352 840355 840360 840361 500107 500100 801 520100 500002 1001	
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	<p>880120 1004 1006 1007 1008 1020 1021 1023 500002 840101 840351 [85 sheets]</p> <p><b>Possible scale issue (see above), but scale is unverifiable on sheet</b></p> <p>HPCSPW012b HPCSPW023a HPCSPW023b HPCSPW029 [4 sheets]</p> <p><b>Scale on sheet is smaller than 1:2500</b></p> <p>HPCSPW002a Rev1 HPCSPW004 HPCSPW007 HPCSP00[0]9 Rev1 HPCSPW019 Rev1 HPCSPW025a Rev2 HPCSPW026 [7sheets]</p> <p><b>No north direction shown on sheet that consists of a plan or has plan element</b></p> <p>HINK-A1-PL-00-GA-001 HPCSPW014 [2 sheets]</p> <p><b>Marked as 'NTS' (not to scale) on sheet</b></p> <p>OX4537-7-M-SK-124 [1 sheet]</p>	<p>Scales are shown numerically on full size plans. Not a matter that would justify non acceptance in this case</p> <p>Scales of full size drawings are smaller than 1:2500 and therefore in breach of reg 5(3) the APFP Regs. However, the drawings are clear as submitted and avoid the need for larger or multiple plans. To our minds, the approach is sensible and does not amount to a matter justifying non acceptance in this case.</p> <p>Noted that north point is absent and plan is therefore in breach of reg 5(3) the APFP Regs. However, plan is readily understandable as drawn and, to our minds, the breach is technical (as opposed to a matter of practical significance) and accordingly it does not amount to a matter justifying non acceptance in this case.</p> <p>Whilst plan is marked NTS (not to</p>
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	<p><b>Identified as a key plan for a plan that comprises only 2 sheets</b> HP/WP/11 [1 sheet]</p> <p><b>Minor plan reference discrepancy between document schedule and sheet</b> HPC-GEN124-R1[I]-RFC-DRW-000045 HPC-GEN124-R1[I]-RFC-DRW-000046 HPC-GEN124-R1[I]-RFC-DRW-000047 HPC-GEN124-R1[I]-RFC-DRW-000048 HPCSP00[0]9 Rev1 [5 sheets]</p> <p><b>Minor plan title discrepancy between document schedule and sheet</b> HPCSPW015 HPCSPW017 OX4537-7-M-SK-125 [3 sheets]</p>	<p>scale), the landscape restoration plan has a scale bar with it. The plan is readily understandable. Accordingly the matter does not amount to a matter justifying non acceptance in this case.</p> <p>Similarly the provision of a key plan where technically not required does not amount to a matter justifying non acceptance.</p> <p>Noted – not a matter justifying non acceptance.</p> <p>Noted – not a matter justifying non acceptance.</p>
<p>2.6 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? APFP Regulation 5 (4)</p>	<p>Where relevant, key plans have been provided showing the relationship between multiple sheets.</p>	<p>Noted</p>
<p><b>Commissioner summary - s55(3)(b)</b></p>		<p><b>Whilst a number of discrepancies have been noted (see above), we conclude that none is of such magnitude as to justify non acceptance of the application in this case.</b></p>
<p><b>3. s55(3)(c) That development consent is required for any of the development to which the application relates</b></p>		
<p><b>NB:-</b> Development consent is required for development to the extent that the development is or forms part of a nationally significant infrastructure project (NSIP) (s31). NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30.</p>		
<p>3.1 Is the development an NSIP? Or does it form part of an NSIP?</p>	<p>Yes - Section 5 of the application form (Doc ref 1.1) states that "the proposal is for a nuclear power station with two</p>	<p>Agreed</p>

	<p>reactors capable of generating a total of up to 3,260 MW". S.15 of PA 2008 states that a terrestrial generating station with a generating capacity exceeding 50 MW is an NSIP. Associated works are listed and may form part of the NSIP or constitute associated development or ancillary works, though these distinctions are purposefully not made when describing the main onsite works in the draft DCO or elsewhere (see Explanatory Memorandum para 2.9).</p>	
<p><b>Commissioner summary - s55(3)(c)</b></p>	<p><b>Several aspects of the scheme are described as proposed associated development. However there is no requirement for the purposes of this test to determine whether or not the elements are properly so described. There is no doubt that development consent is required for the generating station.</b></p>	
<p><b>4. s55(3)(d) That the application gives reasons for each respect in which any IPC guidance (under s37(4)) has not been followed</b></p>		
<p><b>NB:-</b> The relevant guidance under s37(4) is paragraphs 25-27 which deal with the applicant's Consultation Report in <b>IPC Statutory Guidance Note 1</b></p>		
<p>4.1 Are the responses to the applicant's consultation under s.42, s.47 and s.48 listed and put into categories according to status eg statutory consultees?</p>	<p>The schedule of responses in the Consultation Report sets out summaries of responses to consultation, which are categorised by individual (although the data is redacted), and by theme, category and topic. (<i>Doc 3.1 Appendix H</i>)</p> <p>Appendix G of Document 3.1 provides a comprehensive list of s42 consultees and the stages at which they were consulted.</p>	<p>Noted</p> <p>Individual comments have not been listed, but grouped into themes. Having regard to the number of responses received in this case, we consider this approach is reasonable.</p>
<p>4.2 Are the responses within those categories arranged to show whether they have led to changes or not?</p>	<p>The schedule of responses in the Consultation Report sets out summaries of responses to consultation and indicates where EDF consider that they have led to changes. (Via a</p>	<p>Noted</p> <p>Having regard to the number of responses, we consider the approach adopted reasonable.</p>

	<p>tickbox titled “Changes”)</p> <p>EDF’s comments on responses are set out by topic area. Details have been given where issues within topics lead to changes. They have not been given where individual responses lead to changes.</p> <p>(Doc 3.1 Appendix H)</p> <p>There is a general discussion of why some responses lead to changes</p> <p>(Doc 3.1 Chapter 6)</p>	
4.3 Have reasons been given where no changes have been made?	<p>Summaries of consultation have been provided which indicate where EDF consider that they have not led to changes. (Via a tickbox titled (“No Changes” or “Noted”.)</p> <p>EDF’s comments are set out by topic area. Reasons have been given as to why issues within topics did not lead to changes. They have not been given as to why individual responses did not lead to changes.</p> <p>(Doc 3.1 Appendix H)</p> <p>There is a general discussion of why some responses did not lead to changes</p> <p>(Doc 3.1 Chapter 6)</p>	<p>Noted</p> <p>Having regard to the number of responses, we consider the approach adopted reasonable.</p>
4.4 Has the applicant identified any responses received after its deadlines?	<p>No. This is a deviation from para 27 of IPC Guidance Note 1. It is not addressed in Chapter 2.4 of the report.</p> <p>The Consultation Report states that late responses were taken into account at all stages of consultation.</p> <p>(Doc 3.1 Para 2.2.11)</p>	<p>Noted</p> <p>Whilst the failure to identify late responses is technically a deviation from the guidance, it is confirmed that they were taken into account. To our minds there is no conflict with the spirit of the guidance.</p>

<p><b>Commissioner summary - s55(3)(d)</b></p>	<p>Given the size of the application it is our view that the approach adopted to consultation and its reporting is reasonable. To our minds the report is appropriately detailed and any divergence from the guidance is purely technical in nature and not such as to warrant more detailed explanation.</p>	
<p><b>5. s55(3)(e) That the applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b></p>		
<p>5.1 <b>Did the applicant</b> before carrying out the s.42 consultation either (a) request the Commission to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Commission in writing that it proposed to provide an environmental statement in respect of that development? EIA Regulation 6</p>	<p>Section 46 notification letters from EDF to the IPC dated 11 November 2009, 8 July 2010, 24 February 2011, and 5 July 2011 are included within (Appendix A13 to A16 of the Consultation Report). These letters also notified the IPC under regulation 6(1)(a) of the EIA Regulations. Although this was the incorrect regulation for the purposes of this application (regulation 6(1)(a) is used to request a screening opinion) the letters clearly stated EDFs intention to provide an environmental statement. Also, Nuclear Power Stations are categorised as Schedule 1 development, always requiring an Environmental Impact Assessment, therefore a screening opinion was not required and not undertaken.</p>	<p>Noted The use of the incorrect regulation to notify the Commission that it proposed to provide an environmental statement in respect of that development, is a technical breach and not a matter that would justify non acceptance.</p>
<p><b>NB:-</b> The Commission must have regard to the Consultation Report, and any adequacy of consultation representations received.</p>	<p>The IPC secretariat has kept on file correspondence received from members of the public and others about the adequacy of the pre application consultation undertaken by the applicant. This correspondence was made available to the Acceptance Commissioners.</p>	<p>Noted In reaching our decision on acceptance we have had regard to the correspondence on file, received before and after submission of the application.</p>
<p>5.2 Have any adequacy of consultation representations been received from “A” and “B” authorities?</p>	<p><b>Wiltshire Council (3/11/11)</b></p>	<p>Noted</p>

	<p><i>“Satisfied with the consultation undertaken to date.”</i></p> <p><b>Bath and North East Somerset (8/11/11)</b></p> <p>Consider that the applicant <i>“has complied with the relevant duties under the act.”</i></p> <p><b>North Dorset DC (14/11/11)</b></p> <p>Considers the consultation process to <i>“pass the tests at Sections 42, 47 &amp; 48 of the 2008 Act.”</i></p> <p><b>West Somerset Council, Somerset CC and Sedgemoor DC (Joint Submission) (14/11/11)</b></p> <p>Consider that <i>“On the whole, EDF appropriately carried out the consultation activities as detailed in each of its SoCCs. The Councils' key concerns do not relate to the strict adequacy of consultation tests, but instead relate to the information that was consulted upon, and the absence of justification and detailed evidence on some topics.”</i></p> <p>Felt that <i>“more could have been done by EDF to effectively involve Hard to Reach Groups, especially early in the consultation process.”</i></p> <p>The applicant's Consultation Report describes how the applicant approached consultation with hard to reach groups at paragraph 2.2.232 of Document 3.1.</p> <p><b>Devon County Council (18/11/11)</b></p> <p>Satisfied that the applicant has</p>	<p>Not all A and B authorities have provided adequacy of consultation representations.</p> <p>No significant matters relating to adequacy of consultation have been raised by the “A” and “B” authorities.</p> <p>The various concerns raised by West Somerset Council, Somerset County Council and Sedgemoor District Council (Joint Submission) have been noted by us, but are not matters that in our view would justify non acceptance of the application.</p>
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	<p>complied with the duties specified in the legislation with regard to consultation.</p> <p><b>Taunton Deane Borough Council (18/11/11)</b></p> <p>Do not wish to raise any concerns</p> <p><b>Dorset County Council, North Somerset Council, Mendip District Council and North Devon Council</b> confirmed by telephone on 18/11/11 that they would not be submitting representations.</p> <p>Copies of these representations have been provided to the Acceptance Commissioners.</p>	
5.3 If so, do they confirm whether the applicant has complied with the duties under s42, s47 and s48?	See above	<p>Noted and also identified in 5.2 above.</p> <p>Overall we conclude that the applicant did comply with the duties under s42 (Duty to consult) s.47 (Duty to consult local community) and s.48 (Duty to publicise).</p>
<b>s42: Duty to Consult</b>		
5.4 Did the applicant consult the following about the proposed application –		
a) person prescribed (statutory consultees set out in Schedule 1 of the APFP Regulations)	<p>A review has been undertaken of the applicant's Consultation Report. Some consultees that were identified by the IPC, on the basis of a precautionary interpretation of the regulations, were not listed as having been consulted by the applicant.</p> <p>(Doc 3.1 Appendix G)</p> <p>However, the applicant has stated in the body of the report that all bodies identified by the IPC have been consulted.</p>	<p>Noted</p> <p>Whilst there are differences between the bodies consulted by the IPC and those consulted by the applicant we are satisfied that all relevant prescribed consultees were consulted by the applicant either directly or indirectly.</p>

	(Doc 3.1 2.4.18) For reasons of data protection, the Consultation Report uses anonymous consultee numbers for individuals. For that reason, it is not possible to compare the Book of Reference to the consultation carried out under s42(1)(d). (Doc 3.1 Appendix G and Doc 6.3 )	
<p>b) each local authority within s43. <b>NB:-</b> Definition of “local authority” in s43(3). <b>NB:-</b> Check those listed in consultation report are correct in relation to land shown on the land plans</p> <p>c) the “B” authority where the application land is in the authority’s area.</p> <p>d) the “A” authority where any part of the boundary of A’s area is also a part of the boundary of B’s area</p>	<p>GIS data was used to determine the local authorities within s43, and this list was compared to the list provided in the Consultation Report. (Doc 3.1 Appendix G)</p> <p>Each local authority within s43 was consulted.</p>	Noted
e) Greater London Authority (if in Greater London area)	The site of the proposed development is not in Greater London.	Agreed
f) each person in one or more of s44 categories		
<p>Category 1 –owner, lessee, tenant or occupier of land.</p> <p>Category 2 – person interested in the land or has power to sell and convey the land or to release the land.</p> <p>Category 3 – person entitled to make a relevant claim.</p> <p><b>NB:-</b> There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry</p>	<p>The applicant asserts that they have consulted all persons with an interest in the land, and those entitled to make a relevant claim. (Doc 3.1, table 1.6 and paragraph 2.3.4 – 2.3.5, and Appendix G)</p> <p>This list cannot be checked against the book of reference because the Consultation Report makes use of anonymous consultee references rather than names.</p>	<p>Noted</p> <p>In our view, there is no reason to consider the applicant has failed to comply with s.44.</p>
<b>s45: Timetable for s42 Consultation</b>		
5.5 Did the applicant notify s42 consultees of the deadline for receipt of consultation responses?	The deadlines of the s42	Noted

	<p>consultation have been provided in table 1.6 the Consultation Report.</p> <p>Although evidence of the statutory consultees being provided with the deadlines has not been submitted within the Consultation Report, a copy of the s46 letters to the IPC in Appendix A13 to A16 state the IPC was provided with a sample of the letters sent to the s42 consultees at pre-application stage. These sample letters in IPC records confirm the s42 consultees were provided with at least 28 days to respond to the consultation.</p>	
<p>5.6 Was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p>Table 1.6 of the Consultation Report states that the applicant provided the following time frames for the s42 to 45 pre-application consultation:</p> <p>Stage 1 = 64 days  Stage 2 = 88 days  Stage 2A = 32 days  Junction 24 and highways improvements = 28 days.</p> <p>s42 letters contained within IPC records at the pre-application stage state the following:</p> <p><b>Stage 1</b> letters were dated 12 and 13 November 2009 and the deadline for response was 11 January 2010 (although later extended to 18 January due to bad weather). (60 Days)</p> <p><b>Stage 2</b> letters dated 7 July 2010 with a deadline for response being 4 October 2010. (90 Days)</p>	<p>Agreed</p>

	<p><b>Stage 2A</b> update letters were dated 23 February 2011 (one letter mistakenly states 23 February 2010), the deadline for response was 28 March 2011. (34 Days)</p> <p><b>M5 Junction 24 and highways consultation</b> letters dated 29 June 2011 with a deadline for response being 28 July 2011. (30 Days)</p> <p>The Consultation Report explains that the last two stages of consultation were focussed on discrete parts of the application and did not focus on the project as a whole. As a result the developer chose to only consult the relevant s42(d) consultees for the discrete locations. Table 1.6 <i>'only consulted those people falling within section 42(1)(d) of the Act to the extent that they had an interest in, or were affected by, the land that was the subject of material changes being consulted upon'</i></p>	<p>This approach is reasonable, in our view, given the wider consultation carried out in Stages 1 and 2.</p>
<b>s46: Duty to notify Commission of proposed application</b>		
<p>5.7 Did the applicant supply information to notify Commission of proposed application?</p>	<p>The applicant notified the Commission under s46 on 4 occasions</p> <ul style="list-style-type: none"> <li>- 11 November 2009 (Stage 1)</li> <li>- 8 July 2010 (Stage 2)</li> <li>- 24 Feb 2011 (Stage 2A)</li> <li>- 5 July 2011 (J24 Consultation)</li> </ul> <p>Doc 3.1 Appendices A.14, A.15, A.16 and A.17</p>	<p>Noted</p>
<p>5.8 Was the information supplied to the Commission the same as was sent to the s42 consultees?</p>	<p>S42 letters</p> <ul style="list-style-type: none"> <li>- 12 and 13 November 2009</li> </ul>	<p>Noted</p>

	(Stage 1) - 7 July 2010 – (Stage 2) - 23 Feb 2011 (Stage 2A) - 29 June 2011 (J24)	
5.9 Was this done on or before commencing consultation under s42?	Yes. Consultation dates were: Stage 1 – 16 November 2009 to 18 Jan 2010. Stage 2 – 9 July 2010 to 4 October 2010. Stage 2A – 25 Feb 2011 to 28 March 2011. J24 – 15 July 2011 to 12 August 2011. (Doc 3.1 Appendices A.2, A.4, A.7 and A.9)	Noted
<b>s47: Duty to consult local community</b>		
5.10 Did the applicant prepare a statement of community consultation on how it intended to consult people living in the vicinity of the land (“the SOCC”)?	Yes. Four versions of the SoCC were published. <u>SoCC 1</u> (Stage 1 consultation) Doc 3.1 Appendix A2 <u>SoCC 2</u> (Stage 2 consultation) Doc 3.1 Appendix A4 <u>SoCC 3</u> (Stage 2A) Doc 3.1 Appendix A7 <u>SoCC 4</u> (J24 & Highways) Doc 3.1 Appendix A9	Agreed
5.11 Were all “B” authorities consulted about the content of the SOCC?	Somerset County Council, West Somerset Council & Sedgemoor District Council were consulted on all SoCCs. The Consultation Report states that: <i>‘Consultation on each of the SoCCs has been undertaken with the three local authorities within whose boundaries</i>	Noted We are satisfied that consultation on the SoCCs was undertaken with each of the three ‘B’ authorities.

	<i>development is proposed (SCC, WSC and SDC) under the Act.'</i> (Doc 3.1 para 1.1.27)	
5.12 Was the deadline for receipt of responses 28 days beginning with the day after the day "B" authorities received the consultation documents?	<p><u>SoCC 1</u> Yes. Formal consultation took place from 3 July to 14 August 2010. (Doc 3.1 para 1.1.32)</p> <p><u>SoCC 2</u> Yes. 'On 20 May 2010, the draft Stage 2 consultation strategy and draft revised SoCC were sent to the local authorities for formal consultation with comments requested by 18 June 2010'. (Doc 3.1 para 1.1.41)</p> <p><u>SoCC 3</u> Yes. 'EDF Energy...wrote to [the LAs] with a draft SoCC on 17 December 2010 inviting comments by 20 January 2011.' (Doc 3.1 para 1.1.44)</p> <p><u>SoCC 4</u> Yes. Formal consultation took place from 13 June – 11 July 2011. (Doc 3.1 para 1.1.50)</p>	Noted
5.13 Has the applicant had regard to any responses received when preparing the SOCC? <b>NB:-</b> Check consultation report and adequacy of consultation representation.	<p>The applicant produced four SoCCs. The applicant's consultation with local authorities on these SoCCs is set out in Chapter 1 of Doc 3.1.</p> <p>Summaries of the comments received on the SoCCs and the applicant's response to those</p>	Agreed

	comments are set out in tables 1.1 to 1.5 of that chapter.	
5.14 Has the SOCC been published in a newspaper circulating in the vicinity of the land?	<p><u>SoCC 1</u> was published in the following newspapers:  Bridgwater Mercury -17 Nov.  Burnham &amp; Highbridge News - 17 Nov.  Somerset County Gazette - 19 Nov.  West Somerset Free Press - 20 Nov 2010.  (Doc 3.1 para 1.1.29)</p> <p><u>SoCC 2</u> was published in the following newspapers:  Bridgwater Mercury - 30 June.  Somerset County Gazette - 2 July.  West Somerset Free Press - 3 July 2010.  (Doc 3.1 para 1.1.39)</p> <p><u>SoCC 3</u> was published in the following newspapers:  Bridgwater Mercury – 15 Feb.  Somerset County Gazette – 17 Feb.  West Somerset Free Press – 18 Feb 2011.  (Doc 3.1 para 1.1.45)</p> <p><u>SoCC 4</u> was published in the following newspapers:  Somerset Gazette – 14 July  Bridgwater Mercury – 19 July 2011.  (Doc 3.1 para 1.1.51)</p>	Noted Papers appear appropriate.
5.15 Has the applicant carried out the consultation in accordance with the SOCC?	The consultation adequacy statement made jointly by Sedgemoor DC, West	Noted

	<p>Somerset DC and Somerset County Council states in Section 8 that, “...EDF appropriately carried out the consultation activities as detailed in each of its SoCCs.”</p> <p>The Consultation Report states that consultation was carried out in accordance with the SoCC.</p> <p><u>SoCC 1</u> (Doc 3.1 Appendix A2)</p> <p>In reality some changes were made to the original timetable described in the first SoCC. Dates were amended and 3 updated SoCCs were published.</p> <p>The Consultation Report states that the activities described in the SoCC took place:</p> <p>Residents Meetings – Table 2.4  Council Meetings – Table 2.3  Exhibitions – para 2.2.73  Drop in Centres – para 4.1.13  Stakeholder Workshops – Minutes in Appendix F  Community Forum – 2.2.195  Focus Group – para 2.2.250  Newsletters – Appendix C16-C30  Questionnaire – C8-C12  Free phone – 2.2.148</p> <p><u>SoCC 2</u> (Doc 3.1 App A4)</p> <p>Yes. SoCC 2 indicated a consultation programme specifying the time, dates and locations for public exhibitions. Doc 3.1 Table 2.11 lists the number of attendees at these</p>	<p>There were four iterations of the Statement of Community Consultation. This is consistent with CLG Guidance on pre-application consultation which states at paragraph 34 that “promoters are encouraged to follow an iterative, phased consultation consisting of two or more stages.”</p>
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	<p>events.</p> <p><u>SoCC 3</u> (Doc 3.1 App A7) Yes. SoCC 3 indicated a consultation programme specifying the time, dates and locations for public exhibitions. Doc 3.1 Table 2.12 lists the number of attendees at these events.</p> <p><u>SoCC 4</u> Proposed to hold an exhibition at Angel Place – Evident in Table 2.13 Consultation with EDF Transport Forum – Held on 19 April 2011 and evident in App C56 Meeting report.</p>	
<p><i>Does the SOCC set out whether the development is EIA development? EIA Regulation 10</i></p>	<p><u>SoCC 1</u> states, '<i>EDF Energy's proposed DCO application is an environmental impact assessment development.</i>' (Doc 3.1 Appendix A2)</p> <p><u>SoCC 2</u> states, '<i>EDF Energy's plans for Hinkley Point C constitute a development requiring assessment of the likely significant effects on the environment.</i>' (Doc 3.1 Appendix A4)</p> <p><u>SoCC 3</u> uses the same wording as SoCC 2. (Doc 3.1 Appendix A7)</p> <p><u>SoCC 4</u> uses the same wording as SoCC 2.</p>	<p>Noted Alternative wording used at Stages 2, 3 and 4 is acceptable in our view.</p>

	(Doc 3.1 Appendix A9)	
<p><i>Does the SOCC set out how the applicant intends to publicise and consult on the preliminary environmental information?</i></p>	<p><u>SoCC 1</u> states, 'As part of the pre-application consultation process, we proposed to make available to the general public and stakeholders the preliminary environmental information that we have available in relation to the proposals'. (Doc 3.1 Appendix A2)</p> <p><u>SoCC 2</u> states, 'An Environmental Appraisal (EA) will be published as part of EDFs energy stage 2 'Preferred Proposals' consultation for Hinkley Point C described in this SoCC.' (Doc 3.1 Appendix A4)</p> <p><u>SoCC 3</u> states, '...we have already made available preliminary environmental information in relation to our Stage 2 'preferred Proposals...' (Doc 3.1 Appendix A7)</p> <p><u>SoCC 4</u> states '...we have already made available preliminary environmental information in relation to our Stage 2 'preferred Proposals. EDF Energy published further preliminary environmental information about the 'Somersfield' site and the proposed highways improvements in Bridgwater on 1 July 2011, which is available to download....' (Doc 3.1 Appendix A9)</p>	<p>Noted</p> <p>Whilst we note that concerns were expressed regarding the extent of information made available, in our opinion sufficient information was available for the purposes of consultation at each stage. Accordingly our view is that this concern is not something that would justify non acceptance in this case.</p>

**s48: duty to publicise the proposed application**

5.16 Did the applicant publish a notice: (APFP Regulation 4(2))

(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;

The proposed development was publicised on the following dates in the Somerset Gazette:

Stage 2

8 July & 15 July 2010.

(Doc 3.1 para 2.2.36 & Fig 2.10)

Stage 2A

Para 2.2.37 states:

*'advertisements were placed in the Somerset Gazette in the weeks beginning 21 Feb and 28 Feb 2011.'*

Pg 40 Column 3 'Timings' notes the publications were placed in the Somerset Gazette on 24 Feb & 3 March 2011.

(Doc 3.1 Para 2.2.37 & pg 40 'Timing' Column)

Jnc 24 & Highways Improvements

30 June & 7 July 2011

(Doc 3.1 para 2.2.39)

Noted

(b) once in a national newspaper;

The proposed application was publicised in the Daily Telegraph on the following dates:

Stage 2

9 July 2010

(Doc 3.1 para 2.2.36)

Stage 2A

Noted

	<p>25 Feb 2011 (Doc 3.1 para 2.2.37)</p> <p><u>Jnc 24 &amp; Highways Improvements</u></p> <p>1 July 2011-11-01 (Doc 3.1 para 2.2.39)</p>	
<p>(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and</p>	<p>The proposed application was publicised in the London Gazette on the following dates:</p> <p><u>Stage 2</u></p> <p>9 July 2010 (Doc 3.1 para 2.2.36)</p> <p><u>Stage 2A</u></p> <p>25 Feb 2011 (Doc 3.1 para 2.2.37)</p> <p><u>Jnc 24 &amp; Highways Improvements</u></p> <p>1 July 2011-11-01 (Doc 3.1 para 2.2.39)</p> <p>Land in Scotland is not affected.</p>	<p>Noted</p>
<p>(d) where the proposed application relates to offshore development –</p>		
<p>(i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal.</p>	<p>The proposed application was publicised in the Lloyds List &amp; Fishing News on the following dates:</p> <p><u>Stage 2A</u></p> <p>25 Feb 2011 (Doc 3.1 para 2.2.37)</p> <p><u>Jnc 24 &amp; Highways Improvements</u></p>	<p>Noted</p> <p>The application does not fall within the meaning of an offshore development as used for generating stations in the 2008 Act. Accordingly publication in Lloyds List and an appropriate fishing trade journal is not essential.</p>

	1 July 2011 (Doc 3.1 para 2.2.39)	
5.17 Did the notice include: (APFP Regulation 4(3))		
(a) the name and address of the applicant;	Yes. All s48 Notices published for Stage 2, Stage 2A and Junction 24 & Highways Improvement state this. (Doc 3.1 Appendix A.10, A.11 & A.12)	Noted
(b) a statement that the applicant intends to make an application for development consent to the Commission;	Yes. All s48 Notices published for Stage 2, Stage 2A and Junction 24 & Highways Improvement state this. (Doc 3.1 Appendix A.10, A.11 & A.12)	Noted
(c) a statement as to whether the application is EIA development;	Yes. All s48 Notices published for Stage 2, Stage 2A and Junction 24 & Highways Improvement state that: <i>'The Hinkley Point C project would be a development requiring an environmental impact assessment. The applicant would therefore submit an Environmental Statement as part of its application for a DCO.'</i> (Doc 3.1 Appendix A.10, A.11 & A.12)	Noted
(d) a summary of the main proposals, specifying the location or route of the proposed development;	Yes. All s48 Notices published for Stage 2, Stage 2A and Junction 24 & Highways Improvement state that: <i>'The proposed DCO would,</i>	Noted The nature of the development proposed and the location of the main development site is sensibly specified and attention is drawn to the associated development sites. To our minds, the approach is sensible and

	<p><i>amongst other things, seek permission for: ....</i></p> <p>Locations have been phrased as:</p> <p><i>'on a site to the west of the existing Hinkley Point A &amp; B.....</i></p> <p><i>associated development.....at other sites in West Somerset and Sedgemoore Districts'</i></p> <p>(Doc 3.1 Appendix A.10, A.11 &amp; A.12)</p>	proportionate.
<p>(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;</p>	<p>Yes.</p> <p>All s48 Notices published for Stage 2, Stage 2A and Junction 24 &amp; Highways Improvement state that:</p> <p><i>'The documents, plans and maps showing the nature and location of the proposed changes to the development are available for inspection free of charge from [Date] as follows....'</i></p> <p>Times for inspection are phrased as:</p> <p><i>'during their [the locations] published opening times'</i></p> <p>(Doc 3.1 Appendix A.10, A.11 &amp; A.12)</p>	Noted
<p>(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));</p>	<p>Yes.</p> <p><u>Stage 2</u></p> <p>Docs available from 9 July 2010 however no last date for inspection was identified. (States that <i>'the applicant is consulting on these proposals for approximately 12 weeks from 9 July.'</i> Deadline for</p>	<p>Noted</p> <p>Whilst there is no last date for inspection specified, and therefore a technical breach of the regulations, our understanding is that the documents remained available for the duration of the consultation period. Accordingly our view is that the breach is not a</p>

	<p>responses was 4 October 2010.)</p> <p><u>Stage 2A</u></p> <p>28 March (same date as response deadline).</p> <p><u>Jnc 24 &amp; Highways Improvement.</u></p> <p>12 August (same date as response deadline).</p> <p>(Doc 3.1 Appendix A.10, A.11 &amp; A.12)</p>	<p>matter justifying non acceptance in this case.</p>
<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p>Yes.</p> <p>All s48 Notices published for Stage 2, Stage 2A and Junction 24 &amp; Highways Improvement state:</p> <p><i>'EDF Energy will provide hard copies of documents, plans and maps on request at a charge of ten pence per A4 sheet.'</i></p> <p>(Doc 3.1 Appendix A.10, A.11 &amp; A.12)</p>	<p>Noted</p>
<p>(h) details of how to respond to the publicity; and</p>	<p>Yes.</p> <p>All s48 Notices published for Stage 2, Stage 2A and Junction 24 &amp; Highways Improvement state:</p> <p><i>'Representations may be made in the following ways'.</i></p> <p>9Doc 3.1 Appendix A.10, A.11 &amp; A.12)</p>	<p>Noted</p>
<p>(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published.</p>	<p><u>Stage 2</u></p> <p>Yes. The last s48 notice was publicised in the Somerset Gazette on 15 July 2010. The deadline for responses was 4 October 2010. Over the minimum 28 day requirement.</p> <p>(Doc 3.1 Appendix A.10)</p>	<p>Noted</p>

	<p><u>Stage 2A</u></p> <p>The last s48 notice was published in the Somerset Gazette on 3 March 2011. The deadline for responses was 28 March 2011; giving 25 days. (Doc 3.1 Appendix A.11)</p> <p>In the context of consultation with the local community (s47) and the general public (s48), the applicant asserts that, '<i>Late responses were taken into account...All late responses, with the exception of those for the J24 and Highways Improvements consultation period, were included in the batch of stakeholder comments that are replied to in Appendix H [Schedule of Responses].</i>' (Doc 3.1 para 2.2.11)</p> <p><u>Jnc 24 &amp; Highways Improvement</u></p> <p>The last s48 notice was published in the Somerset Gazette on 7 July 2011. The deadline for responses was 12 Aug 2011. Over the minimum 28 day requirement. (Doc 3.1 Appendix A.12)</p>	<p>Whilst there is a technical breach of the regulations identified here, we note that the advert was the second of two published in the Somerset Gazette and that the first advert preceded the date for receipt of responses by more than 28 days. Also (i) the consultation was extensively promoted in the vicinity of each of the sites for more than 28 days Consultation Report (Doc 3.1, table 2.2) and (ii) comments received up until 5 April were considered (Consultation Report (Doc 3.1, para 2.2.9). Given this our view is that the breach is not a matter justifying non acceptance of the application in this case.</p>
<p>5.18 Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with EIA Regulation 9(1)(c)? (EIA Regulation 11)</p>	<p>The applicant asserts that '<i>From Stage 2 onwards (the stage at which s48 notices were published), EDF Energy included a copy of the section 48 notice with the consultation material sent to all prescribed statutory consultees and relevant local authorities. No</i></p>	<p>Noted</p>

	<p><i>other persons were notified of the application.'</i></p> <p>(Doc 3.1 Table 1.6 pg43)</p> <p>At Stage 2 onwards, s42 consultation commenced at the same time as s48 dates of publication. This suggests that consultation material (which included a copy of the s48 notice) was sent out at the same time as publishing the notice.</p> <p>(Doc 3.1 section 2.3(e) paras 2.3.58, 2.3.59 &amp; 2.3.60)</p>	
<p><b>s49: Duty to take account of responses to consultation and publicity</b></p>		
<p>5.19 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?</p> <p><b>NB:-</b> Check the Consultation Report for responses and whether they have led to changes to the application or not</p>	<p>The Consultation Report (Doc 3.1) sets out the consultation undertaken by the applicant prior to the submission of the application.</p> <p>The Consultation strategy adopted by EDF was based on 2 main stages. These stages applied to s42 consultation with prescribed consultees and s47 consultation with the community.</p> <p>The first stage set out options for the proposed associated development, offering a range of locations and formats. The second stage set out EDF Energy's preferred options for the associated development. Subsequently there were two further supplementary consultation events which sought to respond to new information, and also responses received from consultees. This is explained in paras 0.1.9 to 0.1.14 of Doc 3.1. The</p>	<p>Noted</p> <p>There is a substantive duty placed on the applicant in Chapter 2 of Part 5, under s49 (2) to have regard to any relevant consultation responses when deciding whether the actual application should be in the same terms as its proposed application. Indeed, there is a clear expectation that the views and impacts identified through the consultation can and should influence the applicant's decision on the details of the submitted application.</p> <p>Notwithstanding this <i>"providing the IPC is able to conclude that the promoter has acted reasonably, ... it is not expected to decide that pre-application consultation was inadequate on the basis that particular impacts had not been mitigated to a particular extent."</i> (Para 89 of CLG Guidance on pre application consultation).</p> <p>Whilst we note that the applicant has decided not to make some changes to the application suggested by consultees; it is nonetheless our view that the applicant, having had regard to</p>

	<p>applicant's willingness to add supplementary consultation events suggests that an iterative approach was adopted which led to changes being made to the proposals contained within the application.</p> <p>Section 0.4 of Doc 3.1 sets out the main changes that were made to the application during the course of the pre application consultation. For example para 0.4.35 explains how the proposal for a laydown area at Comwich was revised to reduce it in size as a result of concerns expressed by the residents of the village during the Stage 2 consultation. This change was then taken forward and consulted on during the first supplementary consultation stage (2A). Further examples of changes being made in response to consultation responses include changes that were made to the development boundary of the main site in response to residents' concerns (Doc 3.1 para 0.4.18) and also work to undertake a more detailed Health Impact Assessment in response to residents' concerns and views expressed by the health authorities.</p> <p>Chapters 3 and 5 of the Consultation Report discuss how responses were analysed and taken into account.</p> <p>A schedule of responses is provided in Appendix H of the Consultation Report. The summaries set out the consultation responses coded by topic area and indicates</p>	<p>the issues raised, acted reasonably in fulfilling the requirements of s49, to take account of responses to consultation and publicity.</p> <p>Accordingly we conclude that this is not a matter that would justify non acceptance of the application in this case.</p>
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	<p>where EDF consider that they have led to changes. (Via a tick box titled "Changes")</p> <p>EDF's comments on responses are set out by topic area. Details have been given where issues within topics lead to changes, both in Appendix H and in the body of the Consultation Report at chapters 3 and 6. Details have not been given of where individual responses lead to changes.</p> <p>Similarly, details have been given where feedback on a topic area did not lead to changes. The topic area or issues led approach to reporting on consultation responses is referred to as an appropriate way of handling large volumes of responses in IPC Advice Note 14: Compiling the Consultation Report (Oct 2011).</p> <p>Chapter 6 of the Consultation Report summarises the outcomes of the consultation.</p>	
<b>Guidance about pre-application procedure</b>		
<p><b>NB:-</b> The Commission must have regard to the extent to which the applicant has had regard to guidance issued under s.50</p>	<p>Relevant Guidance issued under s50 of the PA2008 includes</p> <p><u>CLG Guidance:</u></p> <p><i>Planning Act: Guidance on pre-application consultation</i></p> <p><i>Planning Act 2008: Nationally significant infrastructure projects – Application form guidance</i></p> <p><i>Guidance on associated development: Applications to the Infrastructure Planning</i></p>	<p>Noted</p> <p>Whilst the first stage of consultation in this case preceded the publication of guidance, later stages of consultation took account of this guidance. In our view, taken overall, the consultation complied with the spirit of the guidance and its intent.</p>

	<p><i>Commission</i></p> <p><i>Planning Act 2008: Guidance related to procedures for compulsory acquisition</i></p> <p><i>IPC Guidance</i></p> <p><i>Guidance Note 1 on Pre-Application Stages</i></p> <p>At each stage, the applicant asserts that they have had regard to guidance or that, where they have deviated from guidance, an explanation has been provided.</p> <p>Where deviations from guidance have been found they have been highlighted in the checklist above.</p>	
<p>5.20 To what extent has the applicant had regard to CLG Guidance, The Planning Act 2008: Guidance on pre-application consultation and IPC Guidance Note 1 on Pre-application Consultation?</p>		
<p><b>Commissioner summary - s55(3)(e)</b></p>	<p><b>On the basis of the reported position and conclusions set out above we conclude that the applicant in relation to the application made has complied with Chapter 2 of Part 5 (Pre-application procedure).</b></p>	
<p><b>The Infrastructure Planning (Fees) Regulations 2010 (SI106)</b></p>		
<p><b>Fees to accompany an application</b></p>		
<p><b>NB:-</b> The Commission must charge the applicant a fee in respect of the decision by the Commission under section 55 .If the applicant fails to pay the fee, the Commission need not consider the application until payment is received by the Commission. The fee payable is presently £4,500 and must be paid at the same time that the application is made.</p>		
<p><i>Was the fee paid at the same time that the application was made?</i></p>	<p>Fees were paid prior to the submission of the DCO.</p>	<p>Noted</p>
<p><i>date the fee received and confirmed as bankable</i></p> <p>.....</p>	<p>IPC Finance team confirm that: On 13/10/2011 a fee of £4,500 was paid into the IPC bank account by 'NNB Generation Co'.</p>	<p>Noted</p>

**Commissioners**

Andrew M Phillipson & Frances Fernandes

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**Signed**

Handwritten signatures of Andrew M Phillipson and Frances Fernandes.

**Date: 24 November 2011**

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**Case Leader**

Mark Wilson

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**Signed**

Handwritten signature of Mark Wilson.

**Date: 24 November 2011**

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## **Section 55 Acceptance of Applications**

### **Application Checklist**

#### **Appendices**

**[Scheme name]**

#### **A Legal Advice**

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- exempted information protected by legal professional privilege

#### **B Habitats Regulation Assessment Checklist**

Withheld from publication as potentially falling within one or more of the following categories of information:-

- excepted internal communications and / or
- excepted because publication would adversely affect the course of justice and/or
- excepted because its publication would adversely affect the protection of the environment to which the information relates