



Energy Act 2013 ("2013 Act"), Schedule 8, paragraphs 3, 5 and 6
Health and Safety at Work etc Act 1974 ("1974 Act"), Sections 21, 23 and 24

Serial Number ONR-IN-24-14

Improvement Notice

Name: NNB Generation Company (HPC) Ltd
Address: Building 1000, Park Avenue, Aztec West Business Park, Almondsbury, Bristol, BS32 4SQ
Trading as:
I, (Inspector's full name):

Being an inspector appointed by an instrument in writing made pursuant to section 19 of the 1974 Act and entitled to issue the notice

of Office for Nuclear Regulation, Redgrave Court, Merton Road, Bootle, L20 7HS

Telephone number:

hereby give you notice that I am of the opinion that at

(Location of premises or place of activity) TC 1L5, W19, Nuclear Island Unit 1, Hinkley Point C construction site, TA5 1UF

you, as the principal contractor

are contravening the following conditions or statutory provisions :

Construction (Design and Management) Regulations 2015, Regulation 13 (1)

The reasons for my said opinion are :

You have failed whilst undertaking the role of Principal Contractor to plan, manage and monitor the construction phase and coordinate matters relating to health and safety regarding the maintenance and condition of tower cranes, demonstrated by the failure of load bearing parts on tower crane TC 1L5, to ensure that, so far as is reasonably practicable, construction work is carried out without risks to health and safety

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them, by

30 June 2025

and I direct that the measures specified in the schedule which forms part of this Notice shall be taken to remedy the said contraventions or matters

Signature Date 07 April 2025

This is not a relevant notice for the Environment and Safety Information Act 1988

Signature Date 07 April 2025

## NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable, on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine, or both. In England and Wales the fine is not limited. In Scotland any fine imposed summarily may not exceed £20,000. On conviction on indictment, an offender is liable to imprisonment for a term not exceeding 2 years, or an unlimited fine, or both.\*
1. Failure to comply with this Improvement Notice is an offence as provided by paragraph 7(1) of Schedule 8 to the Energy Act 2013 and paragraphs 7(1) and (2) of that Schedule renders the offender liable, on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine, or both. In England and Wales the fine is not limited. In Scotland any fine imposed summarily may not exceed £20,000. On conviction on indictment, an offender is liable to imprisonment for a term not exceeding 2 years, or an unlimited fine, or both.\*
2. An Inspector has power to withdraw an Improvement Notice or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any conditions or statutory provision referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can either be submitted online at the above website address, or by downloading form ET1 from that site (or you can use Annex 1 from: [presidential-guidance-statutory-appeals-20210616-003.docx](#)). Completed hard copy forms should be posted to either the Employment Tribunal Central Office (England and Wales), PO Box 10218, Leicester, LE1 8EG; or Employment Tribunal Central Office (Scotland), PO Box 27105, Glasgow, G2 9JR.

**If you do not have access to the Internet, contact the person who issued the Notice and asked to be supplied with a hard Copy of form ET1 and guidance T420: Making a claim to an Employment Tribunal.**

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### Time limit for appeal

A notice of appeal must be presented to the Employment Tribunal within 21 days beginning with the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days.

The entering of an appeal suspends the Improvement Notice until the appeal has been determined or withdrawn, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied.

The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

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### Public availability of information on all enforcement notices

1. The Office for Nuclear Regulation (ONR), for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is ONR's policy that this information should be brought to the public's attention. ONR also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices.
2. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the database for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.
3. Information will be withheld where, in ONR's belief, its disclosure would:
  - cause harm or prejudice; or
  - be in breach of the law.
4. Personal information is dealt with in accordance with the Data Protection Act 2018. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.
5. If you are not satisfied with the information contained in the entry you have a further right to appeal to the ONR in the first instance.

## Schedule

In order to comply with this notice you should either:

- 1) Review your management arrangements to enable NNB Generation Company (HPC) Ltd, as the principal contractor, to ensure that tower crane operations are, so far as is reasonably practicable, carried out without risks to health and safety. This should include the following –
  - a) Ensure contractors operating and maintaining tower cranes on the Hinkley Point C construction site have undertaken a risk assessment which includes –
    - i. The correct selection of tower cranes. This should include consideration of the working environment and the nature of the lifting operations being undertaken.
    - ii. An evaluation of potential tower crane usage against the tower crane service life, and in particular identification of high intensity operations.
    - iii. Establishing the necessary maintenance and inspection regime and the frequency of thorough examinations undertaken by the competent person.
  - b) Contractors provide relevant information to the principal contractor concerning the use, maintenance, inspection and thorough examination of individual tower cranes.
- 2) Establish monitoring arrangements to ensure contractors are implementing the findings of their risk assessment.

AND

- 3) Develop and implement a suitable and sufficient system for the periodic review of tower cranes with the relevant contractors. This should review each tower cranes condition and its current service life, and ensure it continues to be suitable for its use. Where tower cranes are identified as approaching the end of their service life the principal contractor must take in to account the general principles of prevention when considering the future of that crane. The findings of periodic tower crane reviews should be recorded.

OR

- 4) Take any other equally effective measures to remedy the said contravention.