
From: Gordon, Kevin
Sent: 19 November 2020 07:04
To: Gordon, Kevin
Subject: EPR Appeal Hinkley Point 3rd Pary Reps Bristol Channel Federation of Sea Anglers & Burnham Boat Owners

Sent: 27 October 2020 22:32
To: ETC <ETC@planninginspectorate.gov.uk>
Subject: Re: Hinkley Point C: Update on permit variation application

Attention Mr Kevin Gordon

Dear Sir

We most certainly welcome the EA notice that the removal of the benefits that were claimed by EDF for a working AFD in their permit application may not meet the requirement of the license .
In a 2012 presentation EDF told us that the AFD was the first line of defence and the LVI and Fish Return systems were back ups for the few fish that would enter the tunnels !
EDF should be held to finding a solution that would fulfil the performance that would of been provided by the functional AFD system that they based their design on - not allowed to just walk away from it.

The timescale we are now given to circulate the recent information , read it and get meaningful responses , especially in these times is insufficient.

The Bristol Channel is a European Marine Site and we are all obliged to act with caution
The marine life kill at Hinkley has been monitored by an independent company since it started 40years ago and are a matter of record . Their forecasts based on these records are vastly different to the assessments made by CEFAS and they have highlighted shortfalls and errors in the CEFAS papers. Who is right ? Past records are surely the most reliable
Why are we accepting calculations of less than 1% for mortality of some species based on populations across the Irish Sea ? - when we should be directly looking at effects in the Bristol Channel ?
Why are important indigenou species like dogfish smoothound thornback etc that are numerous in the vicinity of the inlets not included by CEFAS ?
Why are thin lipped mullet and not the more prolific thick lipped variety mentioned.?
Is it because insufficient seasonal surveys have been done as others have queried?
The high tidal ranges of the channel means that the depth of water at the inlet varies between 6 and 20 metres - thereby capturing species at that frequent both shallow and deep waters .
The inlet area IS a seasonal bass nursery / spawning area and the banks are paved with immature and breeding ray.
How can 3 1/2 billion galls of water be taken each day and be returned after killing such high percentages of fish shrimp prawns and organisms without having a major effect on the environment ?
How can the predictions (and that is all they are) be substantiated - It should not be acceptable to grant a permit until there is more certainty.

No unproven system should be accepted without a robust monitoring system in place and a Plan B alternative in place
There are still other ways to achieve cooling that would not be such a risk to the environment.

John May

Bristol Channel Federation of Sea Anglers
Burnham Boat Owners

Sent from my iPad

On 27 Oct 2020, at 15:52, Environment Agency - Wessex Area <nuclear_regulation@environment-agency.uk.com> wrote:

Nuclear Regulation News

Hinkley Point C: Update on Permit Variation Application

NNB Generation Company (HPC) Limited, Hinkley Point C Power Station, Hinkley Point,
near Bridgwater, Somerset, TA5 1UD

Permit application number [EPR/HP3228XT/V004](#)

Introduction

- The Environment Agency wrote to you on 7 October to inform you that NNB GenCo had submitted an appeal. **We are now updating you to tell you what happens to any representations that you make.**
- We have been determining an application from NNB GenCo to vary an environmental permit, issued in 2013, for the discharge of turbine condenser cooling and process waters from the Hinkley Point C site.
- NNB GenCo's application to vary its permit seeks to remove one of the measures, which is required by the existing permit. This is for an acoustic fish deterrent (AFD) at the

cooling water intake pipes in the Bristol Channel. The AFD, together with other measures, reduce the number of fish drawn into the cooling water system.

What is happening now?

On 4 August 2020, NNB GenCo served notice on us as it considered its application to vary the permit had been refused because we had not yet completed our determination. This came after we shared our provisional results of assessments carried out under the Habitats Regulations. NNB GenCo's notice stopped the permitting process from that date.

The Habitats Regulations ensure protection of the environment by requiring decision makers, such as ourselves, to assess the impacts of their proposed decisions on designated habitats and species. While we had not made a final decision on the application to remove the AFD, our provisional conclusion was that its removal, without additional mitigation measures, is unlikely to meet the requirements of the Habitats Regulations.

On 24 September 2020 NNB GenCo told us that it had appealed to the Secretary of State against our deemed refusal of the application to vary its permit conditions at HPC. The appeal to the Secretary of State will be heard by the Planning Inspectorate (PINS) which has powers delegated by the Secretary of State to deal with environmental permit appeals. As an independent regulator we take a proportionate approach but must be robust and confident in the assessments and decisions we make. We will carefully consider the grounds that NNB GenCo has set out and we will respond to the appeal accordingly.

What happens next and how can I contribute?

NNB GenCo has submitted its appeal in writing to the Planning Inspectorate and requested that the case should be heard at a Public Inquiry. We are obliged to notify any person who is affected by, is likely to be affected by, or has an interest in the appeal.

Any representations that you make will be disclosed to NNB GenCo and ourselves. We will enter any representations in a public register unless you write to us to ask us not to. If you ask us not to we will enter a statement in the register saying that representations have been made but we have been asked not to put them in the register.

Any representations on this appeal are required to reach the Planning Inspectorate by the close of play today, 27 October 2020, and should be addressed to:

Kevin Gordon
Environment Appeals Administration
The Planning Inspectorate
3A Eagle Wing
Temple Quay House
2 The Square
Bristol

BS1 6PN
Tel: 0303 444 5000

[Email](mailto:ETC@planninginspectorate.gov.uk) the Planning Inspectorate ETC@planninginspectorate.gov.uk

Please note that we will be unable to deal with your representations during the appeal process.

What happens at a Public Inquiry?

The Planning Inspectorate is responsible for running the appeal process. One of their Inspectors will oversee the Public Inquiry, review the evidence from all parties concerned and decide the outcome. **Please note that this is no longer a process we lead. Our role is now to provide evidence to the Inspector and to respond to any questions that might be raised.**

Whilst the Public Inquiry is a formal procedure it is not a court of law. The aim is for the Inspector to thoroughly test the evidence presented by all parties, so that they can make a decision. Witnesses are allowed to appear, present evidence and can then be cross-examined by the legal representatives of other parties. There are no statutory rules covering appeals against environmental permits, so instead they are heard in the 'spirit' of the rules that do exist for planning appeals.

Who can attend the Public Inquiry? If these can be attended

The Planning Inspectorate will decide whether to hold the hearing wholly or partly in public. They will also decide who can speak and/or present evidence to the Inquiry.

At this time and with changing Coronavirus restrictions in place we are unclear what form the Inquiry will take. We will provide you with further details when we have them from the Planning Inspectorate.

Read about Public Inquiries and the appeals process on the Planning Inspectorate's [website](#).

What happens after the Public Inquiry?

The Inspector will make a decision following the Inquiry. The Inspector will either uphold or reject the appeal brought by NNB GenCo. If the appeal is upheld then the Inspector will direct us to issue a permit and will confirm the conditions to include. The Inspector's decision is final and once made the Inspector can't consider any further comments on the case.

Where can I find more information?

A copy of the Appeal document is available on our [Citizen Space website](#).

Request an electronic copy of the Appeal document from our National Customer Contact Centre by calling 03708 506506 or via our [website](#). Please quote the permit number in your request **EPR/HP3228XT/V004**. Unfortunately, we are unable to provide hard-copy documents during the current circumstances.



Permitting

 **Hinkley Point**

 **Enquiries**

Email our Permitting Service if you have any questions about this permit application.

Read our website for further information about our role regulating Hinkley Point.

Email us if you have a question about our work on other local issues.

Read our website for information about the environmental permitting process.

Contact us | Visit us on GOV.UK | Our personal information charter



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