

FAO Huw Williams (Senior Managing Lawyer – Water and National Permitting Service) (cc Alex Evans)  
Environment Agency  
Horizon House  
Deanery Road  
Bristol  
BS1 5AH

By email

4 August 2020

**Application to vary the Hinkley Point C Water Discharge Activity Environmental Permit (EPR/HP3228XT) – Notice of Deemed Refusal pursuant to Schedule 5, Part 1, Paragraph 15(1) of the Environmental Permitting (England and Wales) Regulations 2016**

Dear Sirs

On 15 February 2019 NNB Generation Company (HPC) Limited ("**HPC**") submitted to the Environment Agency (the "**EA**") an application to vary the Hinkley Point C Water Discharge Activity Environmental Permit (EPR/HP3228XT) (the "**Application**").

The Application was made pursuant to the Environmental Permitting (England and Wales) Regulations 2016 (the "**EPR**"). All legislation references in this letter are to the EPR.

**Deemed refusal**

Schedule 5, Part 1, paragraph 15(1) provides that if the EA has not determined an application within the "relevant period" and the applicant serves a notice on the EA which refers to this paragraph, the application is deemed to have been refused on the day on which the notice is served.

**The relevant period**

The relevant period is calculated in accordance with Schedule 5, Part 1, paragraph 15(3) and, in the case of the Application, was four months. Under Schedule 5, Part 1, paragraph 16(2)(c) the relevant period starts on the day the regulator receives a duly made application. The Application was confirmed by the EA as being duly made on 15 February 2019 so it is from this date that the relevant period began. The four month period would therefore normally have expired on 15 June 2019.

However, in calculating the relevant period, any period from the service of a notice requiring further information to the receipt by the EA of that information must be ignored (Schedule 5, Part 1, paragraph 16(3)(a)). Such a request was served by the EA on 16 April 2019 and the EA received the information from HPC on 28 June 2019. Taking into account this period (2 months, 12 days), we calculate that the relevant period expired on 27 August 2019.

**EDF Energy NNB**

EDF Energy,  
Bridgewater House, Counterslip,  
Bristol BS1 6BX  
Tel +44 (0) 117 366 1989

**edfenergy.com**

*NNB Generation Company (HPC) Limited.  
Registered in England and Wales.  
Registered No. 06937084.  
Registered office: 90 Whitfield Street,  
London W1T 4EZ*

The request for further information that was made by the EA on 7 October (which HPC provided a response to on 17 January 2020 and an updated response to on 21 April 2020) has no bearing on the calculation of the relevant period because it was made after the expiry of the relevant period.

Whilst there have been ongoing discussions and exchanges of information since the Application was duly made, HPC and the EA never formally agreed to an extension of the relevant period under Schedule 5, Part 1, paragraph 15(3).

On the above basis, the Application has not been determined by the EA within the relevant period.

**Notice of deemed refusal**

Please take this letter as formal notice given by HPC under Schedule 5, Part 1, paragraph 15(1) that the Application is deemed refused.

Yours faithfully

A handwritten signature in black ink, consisting of a stylized 'RS' followed by a long horizontal line extending to the right.

Richard Savage  
Safety, Security & Assurance Director