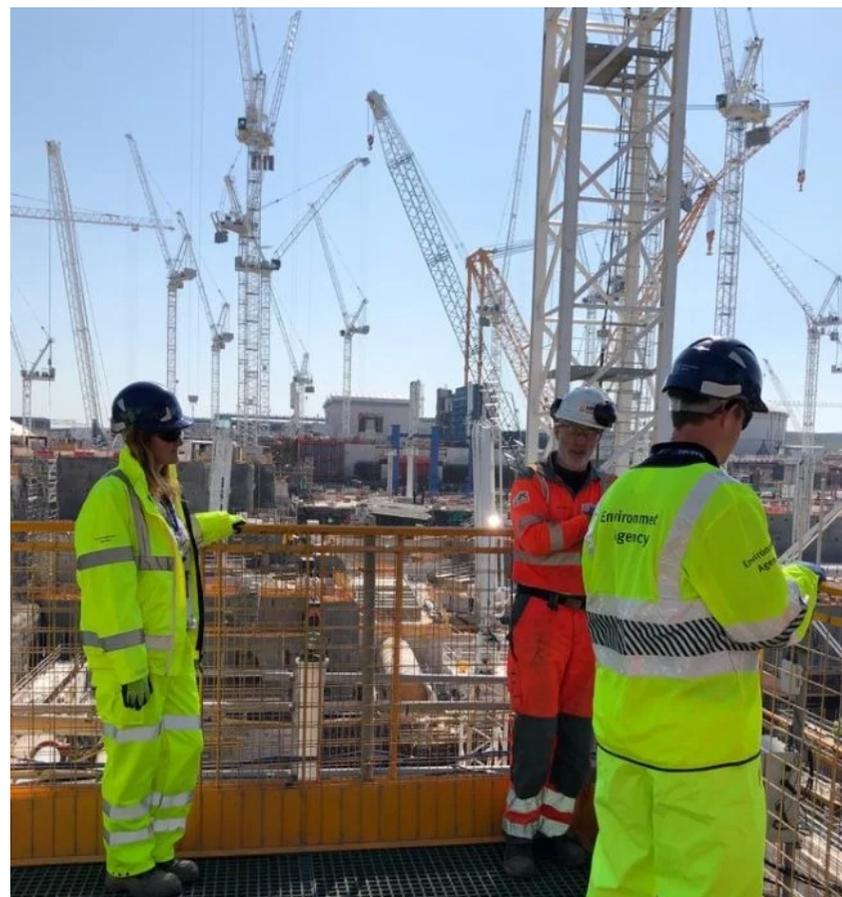


Subject **Hinkley Point C: Update on permit variation application (March 21)**
From Environment Agency – Wessex Area
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Nuclear Regulation News

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

- We wrote to you in October 2020 to inform you that NNB Generation Company (HPC) Limited (NNB GenCo) had appealed to the Secretary of State against our deemed refusal of their application to vary the permit conditions at HPC. This e-bulletin is to update you on the latest position as we know it.
- As advised previously we have been determining an application from NNB GenCo to vary their environmental permit, issued in 2013, for the discharge of turbine condenser cooling water 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 not yet constructed but is required by the existing permit. This is the acoustic fish deterrent (AFD) which was originally going to be included at the start of the cooling water intake pipes in the Bristol Channel. The AFD, together with other measures, reduce the number of fish which could be drawn into the cooling water system and killed.

Latest news

- **We have now been told by the Planning Inspectorate (PINS) that a virtual Public Inquiry will take place during the weeks starting 7 and 14 June 2021.**

- A pre-inquiry meeting has been scheduled by PINS on Wednesday 24 March 2021 at 10.00 am. This will be a virtual event hosted on Microsoft Teams. Everyone who made third party representations will be notified of this event and will be sent a link in due course.
- The purpose of the pre-inquiry meeting is to prepare for the actual inquiry by discussing procedural and other arrangements. No evidence about the case will be heard at the meeting. The meeting should help to ensure that the inquiry runs efficiently and will help everyone to concentrate on the main issues in dispute, saving time and expense for all.

- Call our National Customer Contact Centre on 03708 506506 to request a copy of the Appeal document to be sent to you by email, quoting the permit number EPR/HP3228XT/V004. Unfortunately we can't send a paper copy by post during the current circumstances.
- Read about [appeals against environmental permits](#).
- Find out how to [view public registers](#) in Environment Agency offices.
- Request information about the environmental permits for Hinkley Point C on the [public register](#).

What has happened so far?

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 exist to protect the natural environment. They require that decision makers, such as the Environment Agency, 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, would be 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 the Environment Agency's deemed refusal of the application to vary its permit conditions at HPC. The Planning Inspectorate (PINS) has powers delegated by the Secretary of State to deal with environmental permit appeals. As an independent regulator the Environment Agency takes a proportionate approach but must be robust and confident in the assessments and decisions it makes. We will carefully consider the grounds that NNB GenCo has set out and we will respond to the appeal accordingly.

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 on the outcome.

Please note that this is no longer an Environment Agency-led process. Our role is now to provide evidence to the Inspector and to respond to any questions that are 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?

The Planning Inspectorate has decided that the hearing will be held publicly, which means anyone is welcome to attend. It will be held online, but details of the platform to be used, the timings of sessions or how to dial in are not available yet. We will provide you with further details when we have them from the Planning Inspectorate.

You can find out more about Public Inquiries and the appeals process from the [Planning Inspectorate](#).

What happens after the Public Inquiry?

The Inspector will make a decision following the Inquiry. This is a complex case and there is a large amount of evidence to consider, so this decision could take several weeks. The Inspector will either uphold or dismiss the appeal brought by NNB GenCo.

If the appeal is upheld then the Inspector will direct us to issue a permit and will confirm what conditions we must include.

If the appeal is dismissed by the Inspector then the current permit and conditions remain valid, including the requirement to install, operate and maintain an Acoustic fish Deterrent (AFD) system.

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?

- Read the [Appeal document](#).

Permitting

[Email our Permitting Service](#) if you have any questions about this permit application.

Read our [website](#) for information about the environmental permitting process.

Hinkley Point

Read our [website](#) for further information about our role regulating Hinkley Point.

Enquiries

[Email us](#) if you have a question about our work on other local issues.

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