

Update on Hinkley Point C

Acoustic Fish Deterrent

The energy company EDF plans to use water from the Severn Estuary (132 cubic metres of water per second) to cool the nuclear reactors at Hinkley Point C (HPC). This requires a Water Discharge Activity (WDA) permit from the Environment Agency. The WDA permit was previously granted on the condition that an Acoustic Fish Deterrent is installed at the cooling water intake points, as part of a suite of mitigation measures designed to reduce fish kill by this system. EDF has sought to remove the requirement to install the Acoustic Fish Deterrent; this process escalated to an Appeal to the Planning Inspectorate (PINS), which was heard at a full Public Inquiry in June 2021.

D&S IFCA's representation to the PINS Inquiry took the form of (a) an oral representation, supported by a full written representation, (b) cross-examination of EDF's witnesses, (c) discussions around the conditions that would be applied to the WDA permit if the Appeal were to be upheld, and (d) a further written representation on EDF's lack of regard for the South West Marine Plan (and its implications for marine protected areas). Video recordings of the Inquiry proceedings, and all supporting documents, are available online. Further details are available on the corresponding D&S IFCA News Item.

The PINS Inspector has been directed to submit a report and recommendation to the Secretary of State for Environment, Food and Rural Affairs (SoS), George Eustice. The SoS will decide the final outcome, but the timescale for this is currently uncertain. If the appeal is upheld then the SoS will direct the Environment Agency to issue a permit and will confirm what conditions it must include. If the appeal is dismissed by the SoS then the current permit and conditions remain valid, including the requirement to install, operate and maintain an Acoustic Fish Deterrent system.

Other Issues Relating to HPC

HPC requires other permissions and licences, including a marine licence from the MMO for works undertaken, or deposits made, below mean high water (springs). EDF recently sought to vary a marine licence, to allow for updated methods, additional dredging in the Severn Estuary, and a proposal to dispose of dredged material at the licenced Portishead Disposal Site. D&S IFCA worked alongside North Somerset Council and other relevant Local Authorities with regard to this variation request and submitted its own comprehensive response to the consultation for this licence variation. More detail is available on D&S IFCA's resource library. The variation request has since been granted, but several groups and individuals are thought to be attempting to contest this outcome.

D&S IFCA, North Somerset Council and others are of the opinion that the nature of the application was such that the application should have been 'recovered' to the SoS for consideration. The MMO set out their opinion that the recovery process refers only to applications for a marine licence that will be determined under S.71 of the Marine and Coastal Access Act 2009 (MaCAA), but that EDF's application was being considered under S.72 (as a variation, rather than new application). Legal advice taken by D&S IFCA suggests that this interpretation of S.72 of MaCAA could be challenged but would require extensive additional work to obtain the necessary evidence to support such action.

D&S IFCA has also responded to a consultation for another HPC marine licence (clearance of unexploded ordnance) and is in the process of submitting a representation to an Environment Agency consultation on EDF's proposal to vary an existing permit that relates to the discharge of liquid wastes during the construction phase of the project.

Background Papers

D&S IFCA News Item: Hinkley Point C Environmental Permit – Public Inquiry ([Pdf](#) & [Blog](#))