**Information for Unitary Councillors**

Sheet Number:

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| **From:** | **Tess Bond – Senior Planning Officer, Major Programmes** |

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| **Relevant ELT Director and sign-off date:** | **Paul Hickson****Service Director – Economy, Employment and Planning****23 May 2023** |

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| **Date:** | **25 May 2023** |

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| **To:** | **All Unitary Councillors**  |

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**Somerset Council – Member Briefing**

**Hinkley Point C – Environmental Permit Application – May 2023**

**Application reference: EPR/HP3228XT/V005**

**Operator: NNB Generation Company (HPC) Limited**

**Facility: Hinkley Point C Power Station, Somerset, TA5 1UD.**

**Introduction: -** Officers of Somerset Council are issuing this Member briefing to inform you that a response to an Environment Agency consultation in respect of the Water Discharge Activity (WDA) permit for Hinkley Point C (HPC) is due to be submitted by 25th May. This briefing is for your information only.

Officers are aware due to attending stakeholder meetings, that the proposed WDA permit (and additional consents that would be required in order to remove the Acoustic Fish Deterrent system) have attracted interest from local community groups and members of the public.

**Summary of application: -** The Environment Agency (EA) have received an application from NNB Generation Company to amend their existing HPC WDA Permit.

The original WDA permit application (submitted in 2011) included three mitigation measures in the design of the HPC cooling water system: an Acoustic Fish Deterrent (AFD); Low Velocity Side Intakes; and a Fish Recovery and Return system. The existing permit, issued in 2013, allows the cooling water system to operate as described in the application. Conditions require the applicant to submit reports to the EA describing how their proposed AFD will operate and to demonstrate that it will be optimised to minimise impacts on fish and other marine wildlife.

The proposal is to vary this operational WDA permit, to remove conditions that relate to the Acoustic Fish Deterrent (AFD) and add a waste stream for discharge from the Fish Recovery and Return system (FRR).

You will recall that the EA conducted a consultation earlier this year (January – February) seeking views on the proposed application to vary the permit. Somerset County Council, Somerset West and Taunton Council, and Sedgemoor District Council responded jointly to that consultation (a summary of the matters raised is listed below). This next round of consultation is aimed at providing stakeholders and the general public the opportunity to comment on their draft decision and draft permit. The EA currently intend to conditionally approve the application.

**Somerset Council’s response: -** It should be noted that the components linked to the WDA permit sit within the Bristol Channel, beyond the Low Water Mark and so are not within the jurisdiction of any of the Local Planning Authority. They would be within the jurisdiction of the Marine Management Organisation (MMO). Our response is based upon the potential for consequential impacts to arise as a result within areas that are in our control – Low to High Water Marks and foreshore areas.

The current EA consultation includes a draft report which includes detailed information regarding how the EA have conducted their review and reached their proposed decision of approval. Outlined below is a summary of the key matters raised in our previous response (in italics), and the additional information provided by the EA in this latest consultation: -

1. *Matters for consideration as part of the HRA – notably, species designated at other European Sites using the Severn Estuary as “functionally linked land” and that therefore these other sites need consideration as part of the assessment.*

The EA confirm that they have carried out an Appropriate Assessment (Habitats Regulation Assessment) which covers all relevant Environment Agency permissions, plans or projects in-combination, as well as those of other bodies. The HRA demonstrates that the release of dead and damaged fish and invertebrates from the fish recovery and return system will not result in an adverse effect on the integrity of the European sites. The consultation material clearly lists which sites have been included as part of the assessment.

1. *Concern in relation to the potential adverse impact of impingement losses on the local coastline, and in particular the potential negative tourism impact of this.*

The EA have been clear that when considering the permit variation application, the following has been assessed in relation to the affects of removing the AFD on the:-

* Potential for water pollution;
* habitat and species directly affected by the discharge from the fish recovery and return outfall

 The EA are proposing limits on volume, rate and the total biomass discharged from

 the fish recovery and return system outlet. In addition, conditions relating to

 monitoring would be included as part of the permit in order to make sure that the

 level of emissions does not harm the receiving environment.

1. *Concern raised in relation to the potential eutrophication effects from the release of nutrients.*

The EA has conducted assessments on the potential eutrophication and impacts from potentially beached dead biota.

1. *Assurance in relation to consultation with Natural England*

The consultation material confirms that both Natural England and Natural Resources Wales have been consulted on the permit variation application and that their comments have been taken into account in the production of the HRA.

**Next Steps: -** If the variation to the permit is granted by the EA, the permit will not require the applicant to submit reports to the EA describing how their proposed AFD will operate or demonstrate that it will be optimised. This does not remove the need to install or operate the power station with an AFD, as this currently remains a requirement under the DCO and the Marine Licence.

An application will therefore be submitted to the Secretary of State by NNB Generating Company to vary the HPC Development Consent Order (DCO) to, amongst other things, remove the requirement to install an AFD. The DCO application will be accompanied by an application to the MMO to vary the main HPC Marine Licence to remove the requirements for the AFD. These applications will include full assessments of impacts related to the abstraction of seawater and will include an appropriate package of compensation to account for potential impacts on relevant protected sites and features; this is likely to be aimed at habitat enhancement.

**Further information: -** If you wish to find out more about this application, please find below a link to the EA’s consultation portal which includes a summary of the application, and all of the application documentation: -

[TA5 1UD, NNB Generation Company (HPC) Limited, EPR/HP3228XT/V005: environmental permit proposed decision advertisement - Environment Agency - Citizen Space (environment-agency.gov.uk)](https://consult.environment-agency.gov.uk/psc/ta5-1ud-hinkley-point-c-v005-proposed-decision/)