



To: Kevin Gordon
Environment Appeals Administration
The Planning Inspectorate
3A Eagle Wing
Temple Quay House
2, The Square
Bristol
BS1 6PN
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Regarding response to NNB Genco (EDF) material change application to not use Acoustic Fish Deterrent at Hinkley Point C (HPC) from Stop Hinkley

Stop Hinkley is a local voluntary organisation who have been monitoring the HPC project since its inception in 2006, through the original planning application process and the construction to date. We wish to comment on the Material Change being requested by NNB Genco (EDF) to the original Design Consent Order (DCO).

The original application to build HPC included significant constraints to protect the ecology of the local environment in its Environmental Impact Assessment (EIA). The Secretary of State gave permission for HPC to go ahead based on the condition, insisted upon by the Environment Agency (EA), that an Acoustic Fish Deterrent (AFD) was installed to protect the marine ecology. This requirement has been recently upheld by the EA and we would ask the Secretary of State to support the EA in this.

The AFD system is regarded as Best Available Technology to protect against significant amounts of fish mortality. If EDF, after considerable research, agreed the AFD should be used in this situation, why have they failed to fulfil their own promises? Perhaps more specialised assistance should be sought? Have EDF put out to tender a world-wide search for a technology that could be used in this location, therefore fulfilling the planning application requirements?

We understand that currently there are companies able to supply the AFD technology and maintenance which EDF seem to be disregarding. EDF are raising health and safety for maintenance divers as an issue which would have been known about on the original planning submission; the conditions for divers in the estuary have not changed. Either the site is accessible to divers within risk assessments or it is not.

We have to question if the cooling water intake of this type is suitable both for safety generally, and for the safe running of the reactors in the future. Water intake is an integral part of a High-Pressure Water Reactor; if something were to interfere with the water flow an immediate inspection would be needed and EDF could not wait for the next shipping space or ideal tide.

Nuclear power stations rely on steam generation requiring huge amounts of water to be available at all times. This steam technology is old, last-century technology and is a weak link in nuclear electricity generation.

There are alternative cooling techniques used around the world that would be preferable to this ecologically damaging direct cooling system. It is forbidden under the Conservation of Habitats & Species law to use technologies that involve the killing of European Protected Species, sucked in with the abstracted water, when there is an alternative. Air Cooling and Cooling Tower Evaporation systems are an alternative.

With climate change the temperature of the sea is increasing. This will have an impact on the cooling efficiency of the steam generation. As temperatures increase in the estuary this is already causing changes in migration and breeding patterns, impacting on marine species and population densities in the estuary.

We have noticed that in the open-ended application statements submitted originally regarding HPC, extreme flexibility was the way they were going to build these reactors. There have been many examples of how they have not assessed the practicalities of the different aspects of the project in their haste to speed the build. There has been a history of the European Pressurised Reactor (EPR) nuclear projects not to look at the specifics of the unique site locations. There was a generic plan to fit all which actually is unable to fulfil its objectives even at this stage of the build at this site. Currently there is no EPR tried and tested running in the world.

Is it that the cost of the AFD and its maintenance is a significant factor in why EDF are saying they are not willing to use the AFD technology? Or do they now realise the outages required to do the maintenance work on the AFD would ruin their Business Case for HPC? Could the perilous state of EDF's finances also be a factor? These questions arise as EDF are not giving us the full information.

If it is admitted that without the AFD there will be higher fish mortality, why do they assume they can still go ahead? This is another example of industry sacrificing the wildlife and environment for profit. We believe there is a continued requirement to provide all the deterrents necessary to save marine life. We would encourage the Secretary of State to maintain the promises his government is making to safeguard the wildlife and environment for future generations.

We are concerned that the practicalities of the AFD were not properly assessed by EDF. To get their permit, promises were made that now they are not willing to fulfil. To allow material changes of this significance will undermine the credibility of the project and lose the trust and confidence of the public. Considering it is a nuclear facility, what other environmental and health and safety corners will they be cutting in the building and running of the power station now and in the future?

Reading the Statement of Case put to you by EDF, we notice the similarity between this application and the many we have had to deal with from EDF in its various corporate guises in relation to HPC. EDF are past masters at negotiating this type of change to their original DCOs. Whether it is pulling up ancient hedgerows and woodlands before planning permission has been given or changing the way they are going to store the long-term high-level radioactive waste; all involve moving the goal posts on their original DCO.

Overloading paperwork is one of EDF's common strategies in discouraging public participation. EDF's Statement of Case to the Planning Inspectorate has 55 supporting reports! The volume of paperwork often hides the flaws in their reports e.g. Cefas do not use nocturnal or seasonal data in assessing fish numbers and movements. They have not consulted local anglers who are concerned about young fish and breeding grounds e.g. Cobblers Patch and Bass spawning grounds. The CEFAS report states that not using the AFD results in a small number of fish deaths compared with commercial UK fishing. This is a red herring as commercial fishing is not allowed in the estuary. The Severn Estuary is a wildlife protected area with many conservation zones to protect the breeding grounds. To remove tonnes of marine life in the process of generating electricity is unethical. Fish deaths could be greatly reduced by the use of an AFD or completely spared by the use of solar, wind and tidal power.

In the end, it comes down to whether one believes and supports the Environment Agency's research, judgment and decision that an AFD is necessary, or believe the judgment by Cefas - who have been paid by EDF to produce their evidence; this is a clear conflict of interest! The local knowledge tells us that their use of data based on fish deaths at the A and B stations is unfounded. Local people know that the fish traps were emptied into skips and were not scientifically analysed by species or age type before they were dumped.

As part of the public enquiry we request that the DCO for HPC is suspended as EDF are asking to change a binding agreement in the DCO. Since the licence was first issued there has been new international status given to the Severn Estuary area as a Marine Protection Area. This puts more protection conditions on the local environment. The vast implications of disturbing the seabed and the nuclear contamination it contains is a significant issue regarding this particular, estuary-invasive, water-cooling technology. It requires the dredging of at least a million tonnes of mud to excavate the cooling tunnels and move this mud to other parts of the estuary on the Welsh Coast.

In addition to our points raised we wish to endorse the submissions of all the various marine and environmental conservation groups on the wildlife and environmental issues which are of paramount importance to us as anti-nuclear campaigners, environmentalists, and members of the public.

We wish our response to be noted in the public enquiry, which we insist will be accessible to the public allowing important representations to be heard.

Submitted by Stop Hinkley
Chairwoman: Sue Aubrey
Core Team: Katy Attwater, Allan Jeffery, Roy Pumfrey, Jo Smoldon

Stop Hinkley is a campaigning group funded by its membership

Website: www.stophinkley.org

Contact Details: Katy Attwater, kattwater@hotmail.com Telephone: 07980 731896

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