

Leader of the Council



The Rt Hon Ed Milliband MP
Secretary of State for Energy, Security
& Net Zero

Via email

Date: 11 October 2024

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Dear Secretary of State

Proposed material change application from NNB Generating Company (HPC) and EDF to remove the Acoustic Fish Deterrent from the 2013 Development Consent Order for Hinkley Point C

We welcome the Government's commitment to delivering Net Zero and to meeting Environment Act targets to protect and restore natureⁱ. We recognise that this requires an acceleration of pace and scale of investment underpinned by comprehensive and rigorous assessment of evidence, and partnership across government and sectors.

We are writing in our capacity as Co-Leaders of South Gloucestershire Council to express our gravest concern regarding the scale of impact on the migratory fish populations of the Severn Estuary Special Area of Conservation (SAC) which will result from the massive water abstraction at Hinkley Point C of **120,000 litres of seawater a second for 60 years**ⁱⁱ once the power station is operational.

This impact would be made significantly worse by the proposed application by NNB Generating Company and EDF to apply for a change to the 2013 Development Consent Order (DCO) to remove the required Acoustic Fish Deterrent (AFD). Acoustic Fish Deterrents emit sound to deter fish species from being captured or injured by water intakes and other hazards and are in use successfully at other sites in the UK and globallyⁱⁱⁱ.

EDF estimates that removal of the AFD would **kill 1.89 - 2.9 million fish per year for the 60 years that Hinkley Point C will be operational**^{iv}. However, the Environment Agency^v describes EDF's figures as '**potentially misleading**', and a Welsh Government report on the AFD cites evidence that removal of the AFD would **capture at least 182 million fish per year, a significant proportion of which would be killed**^{vi}. Removing the AFD would also reduce food availability for protected migratory wading birds and wild fowl who depend on fish populations and would significantly impact the health of marine and freshwater ecosystems. **Put simply, removing the AFD would cause critical levels of wildlife destruction.**

A previous application by NNB Generating Company (HPC) Ltd to remove the AFD from EA's discharge consent was dismissed by the then Secretary of State in 2022^{vii}. NNB intends to submit a further application in early 2025 to remove the AFD from the DCO, and landowners in South Gloucestershire and other areas around the Severn estuary have recently been contacted by EDF regarding NNBS interest in salt marsh creation for ecological compensation.

In summary our concerns are:

- 1. The scale and impact on fish populations, marine and freshwater ecosystems if the AFD is removed.** This includes impacts on protected fish species migrating through the Severn Estuary

Special Area of Conservation (SAC) to and from freshwater river catchments including the Bristol Avon, as well as the impacts on protected wading birds, wild fowl, and the health of ecosystems.

- 2. Ecological compensation must be of sufficient scale to confidently offset the predicted impacts.** Where these impacts are unknown, the precautionary principle must be applied.
- 3. The appropriateness of compensation proposed.** Whilst salt marsh delivers many benefits, for the purposes of compensation for migratory fish killed from the Hinkley Point C intake, other measures including fish passage easement (fish passes and removal of barriers) would deliver stronger outcomes by improving refuge in coastal catchments and opening up migratory fish access to reach freshwater spawning grounds. For the coastal catchment area of South Gloucestershire, fish passage easement rather than salt marsh creation would deliver significantly more effective compensation for impacts to fish populations caused by Hinkley Point C.
- 4. No compensation is currently planned within the Bristol Avon catchment.** We are gravely concerned that there are currently no specific mitigation measures for the Bristol Avon included in the proposed compensation package and note that EDF are proposing fish passage easement measures in other catchments further away from Hinkley Point C. The proximity and the impacts of Hinkley Point C on the Bristol Avon as a recovering river will be significant and must be compensated by EDF.

In view of these concerns, we call on the Secretary of State to:

- 1. Uphold the DCO and ensure that NNB and EDF comply with the mandatory installation of the AFD**, alongside the other fish deterrent methods required, and in line with latest and best practice.
- 2. Require that when the AFD is installed that ecological compensation is delivered to address residual impacts** on fish populations across the Severn Estuary SAC and river catchments.
- 3. Require that the scale of compensation must be sufficient to confidently offset the remaining predicted impacts**, and where these are unknown, the precautionary principle must be applied.
- 4. Require that compensation is not only targeted in designated rivers (the Severn, Usk and Wye)**, but also addresses migratory fish passage in more adjacent and recovering river catchments, including the **Bristol Avon** where endangered protected species including salmon, shad, lamprey and eels are present and returning^{vii}.

South Gloucestershire Council and our partners have presented this information, our concerns and recommendations to EDF, and would welcome the opportunity to discuss this further with you and your teams to support join up across work towards shared objectives.

Whilst EDF claim that there are safety and technical concerns^{viii} with installing and maintaining the AFD, the evidence provided by EDF for the 2022 appeal to remove the AFD did not substantiate this claim, and the appeal was dismissed by the then Secretary of State^{ix}.

There are leading AFD manufacturers who have been involved in Hinkley Point C design since inception, who have successfully delivered AFD systems in the UK and elsewhere in the world, who stand ready to deliver this key measure to reduce the ecological impacts of Hinkley Point C^x.

We are sure that you will appreciate that South Gloucestershire Council is unable to endorse removal of the AFD from the 2013 DCO. We are also concerned about the potential public response if we were seen to be supporting a compensation package without confidence that it is of sufficient scale and appropriate to mitigate for the ecological impacts of Hinkley Point C (both with, or without the AFD).

Leader of the Council



At this moment in time, we have a narrow window of opportunity to make choices that will impact the health of our rivers, oceans and the living ecosystems upon which all life depends, now and for generations to come. We welcome, fully support and are actively playing our part in delivering Net Zero objectives, however we cannot stand by and let this be at the expense of nature. As you will be aware, we are working with Government and Great British Nuclear on delivery of new nuclear at Oldbury on Severn, where we are keen to support design which effectively safeguards nature.

Sacrificing the healthy ecology of our rivers and oceans would be counterproductive to our wider economy, society, and resilience to the local impacts of a changing climate. We are sure that government will join us in wanting to ensure that local and national objectives for Net Zero are delivered whilst also safeguarding our natural resources for future generations.

We welcome the ambitions of government to improve integrated working between the Department of Energy Security and Net Zero, and the Department for Environment, Food and Rural Affairs, and ask that your teams investigate this issue as a matter of urgency.

We look forward to hearing from you.

Yours sincerely

Cllr Maggie Tyrrell
Leader of the Council

Cllr Ian Boulton
Co-Leader of the Council

Cc South Gloucestershire MPs

Leader of the Council



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- ⁱ [Government launches rapid review to meet Environment Act targets - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- ⁱⁱ EDF media release, 2019: <https://www.edfenergy.com/energy/nuclear-new-build-projects/hinkley-point-c/news-views/key-milestone-tunnelling-commences>
- ⁱⁱⁱ [Deterrence – Fish Guidance Systems \(fgs.world\)](https://www.fgs.world)
- ^{iv} [HPC Consultation Overview Document Jan 2024](#) 5.6.22
- ^v Environment Agency consultation response, 2024 [Appendix A: Detailed comments for review - GOV.UK \(www.gov.uk\)](#)
- ^{vi} [The implications of Hinkley Point C for Wales' environment and its people \(gov.wales\)](#) (p. 15) which cites:
- Henderson, P. A. (2019) A long-term study of whiting, *Merlangius merlangus* (L) recruitment and population regulation in the Severn Estuary, UK. *Journal of Sea Research*, 155, p.101825
 - Murawski, S. A. (2000) Definitions of overfishing from an ecosystem perspective. *ICES J Mar Sci* 57:649–658.
- ^{vii} [Bristol Avon Fish Recovery Strategy](#)
- ^{viii} [HPC Consultation Overview Document Jan 2024](#) 5.3
- ^{ix} Decision by the Secretary of State for the Environment, Food and Rural Affairs on the appeal related to the removal of acoustic fish deterrent conditions from water discharge activity (WDA) permit (Ref: EPR/HP3228XT/V004). Decision Letter and Inspectors Report [Environmental permit appeal: removal of acoustic fish deterrent conditions from water discharge activity \(WDA\) permit - GOV.UK \(www.gov.uk\)](#)
- ^x [Acoustic Fish Deterrents at Hinkley Point C: A Necessary Environmental Protection – Fish Guidance Systems \(fgs.world\)](#) and [Hinkley Point C must deploy mandated protections for fish \(theengineer.co.uk\)](#)