

Sir James Bevan  
CEO, Environment Agency  
Horizon House  
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Bristol  
BS1 5AH

2<sup>nd</sup> February 2016.

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Bradwell Site, Magnox Limited : Environmental Permit Application to discharge liquid wastes from Fuel Element Debris (FED) Dissolution (dissolving in nitric acid) : reference PR2TSE10760/V003 and EPR/DP3217XB/V002.

Dear Sir James,

On 17<sup>th</sup> September 2015 we submitted to the Environment Agency evidence in connection with the above permit application and its respective public consultation. A copy of this document is enclosed.

To summarise matters briefly:

1. We could see no evidence in the supporting documentation submitted by the applicant (Magnox Limited) to the Environment Agency, nor in any documentation published by the Environment Agency in its decision not to enforce the expiry of the licence in June 2015, that the impact of the discharges had been assessed for their impact on the Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone (MCZ). Nor that H.M.G. Marine Management Organisation, which is responsible for the management regime and the safeguarding of the conservation objectives and protected features of this MCZ, had been consulted in respect of the impact of the discharges on the MCZ.
2. We therefore considered it illegal, in the light of the above, for the Environment Agency not to enforce the expiry of the Magnox company's discharge licence when it expired in June 2015; and equally importantly, knowing that the impact on the MCZ had not been properly assessed for the Environment Agency to continue to allow the Magnox company to discharge waste materials (radioactivity, heavy metals and nitrates) in connection with this expired licence. In brief, the Environment Agency had taken a decision without authority "not to enforce" the expired licence, and to allow the discharges to continue for an unspecified period whilst irregularities in connection with the environment impact assessment were addressed by the company.

Because the decision to pursue what we consider to be an illegal course had been taken by the Environment Agency's Regional Office, we felt it necessary to address our concern about the Regional Office's alleged illegal course to office holders in the Environment Agency above those in the Regional Office. Accordingly, we addressed our concerns to Sir Philip Dilley, Chairman of the EA Board.

This we originally did by post, and with full documentation, on 5<sup>th</sup> October 2015. We received no acknowledgement or reply, so we resent the same documentation to Sir Philip on 20<sup>th</sup> November. This again produced no response, so we resent the same documentation on 16<sup>th</sup> December and this time by recorded delivery. In early January we received from the Royal Mail advice that the documentation

submitted on 20th November has been returned by the EA to the Royal Mail on the basis that the addressee – Sir Philip – had “gone away”. Upon this, I telephoned Sir Philip’s office and was advised that the matter would be attended to immediately if I submitted all the documentation electronically. This we did.

On 19<sup>th</sup> January 2016 I received electronically a letter, enclosed, from Dr. Charles Beardell, EA Area Manager Essex, Norfolk and Suffolk. In this letter he states: “We have not allowed Magnox to operate without a permit. We have simply said we will not enforce the time limit.” He makes no reference to the fact that the EA is allowing, and continuing to allow, the discharges to continue without any valid assessment on the Blackwater, Crouch, Roach and Colne Estuaries MCZ and its protected features. One of these protected features is the native oyster, *Ostrea edulis*, which is likely to be very sensitive to these discharges.

We consider the situation which surrounds Permit Application to be highly irregular, and that there is clear evidence that it may be illegal.

We have sought to bring this matter to the attention of your former Board Chairman, and failed. We have received eventually an answer from the EA Regional Office – a procedure we had sought to avoid because this office is the issuing office for the permit in question. This Regional Office reply exonerates the EA. We do not accept that the Regional Office has addressed either properly or adequately any of the matters we set out in our submission of 17<sup>th</sup> September 2015. Further, we continue to believe that the current situation, which is being permitted by the Environment Agency, has been and is illegal.

Accordingly, we are now addressing this matter to you for your personal examination.

Yours sincerely

S. D. Eades

cc. David Levy, Marinet Chairman.