

Lesley Griffiths AS/MS  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-1003  
Ein cyf/Our ref LG/01902/20

Janet Finch-Saunders MS  
Chair of the Petitions Committee

Government.Committee.Business@gov.wales

10 August 2020

Dear Janet

Thank you for your letter of 29 July, regarding the Hinkley Point C development and a petition calling on the Welsh Government to demand an Environmental Impact Assessment.

Natural Resources Wales Marine Licensing Team (MLT) administers and determines marine licence applications, acting on behalf of the Welsh Ministers. The Marine and Coastal Access Act 2009 establishes the legal process which must be followed by any person wishing to apply for a marine licence and the matters which the MLT must consider in its assessment of any application, before making its determination, including the need to protect the marine environment and human health.

The marine licensing process is one of the key tools in ensuring the sustainable management of Welsh waters. The process is evidence led and by its nature fully supports the requirements of the Environment (Wales) Act 2016 and the Conservation of Habitats and Species Regulations 2017, protecting marine ecosystems and ensuring regulated activities do not significantly affect protected habitats and species. A marine licence to dispose of sediment back at sea is only approved where the MLT concludes the evidence which supports an application demonstrates the sediment is safe and suitable for disposal at sea.

Supporting the marine licensing process is a suite of other legislation relevant to the marine environment which the MLT must also comply with prior to making a determination on an application, this includes the need to consider whether an Environmental Impact Assessment (EIA) is required to support an application for a marine licence.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Lesley.Griffiths@llyw.cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.cymru)  
[Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The requirement for an EIA is set out in legislation through the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (EIA Regulations). NRW is defined as both the Appropriate Authority and the Regulator under these regulations. It is, therefore, a regulatory matter for the MLT, in consultation with its internal and external experts, and having regard to the legal requirements of the EIA Regulations, to determine whether the disposal of dredged sediment back at sea triggers the need for an EIA.

The EIA Regulations are concerned with the management of significant effects to the environment. Not all projects require an EIA. Schedule A1 of the EIA Regulations lists those projects which must require an EIA and Schedule A2 list those projects which can be determined on a case by case basis by the MLT, as the Appropriate Authority. Following consultation with its experts, should the MLT determine an EIA is required for the proposed activity, the MLT will advise EDF energy on the scope of the EIA, which must comply with the requirements as set out in the EIA Regulations.

Further to the above, it is important to note a non-EIA approach does not mean a full and thorough assessment will not be undertaken on an application. I would like to assure you whether an EIA is required or not, robust procedures are in place to ensure all sediment deposited at sea under the terms of a marine licence is fully assessed to ensure it will not cause any harm to the environment or human health.

The UK has signed up to the London Protocol and the OSPAR convention for the Protection of the Marine Environment of the North-East Atlantic. All applications for a marine licence to dispose of sediment must follow guidelines produced by OSPAR and be in compliance with Action Levels set by the Centre for Environment, Fisheries and Aquaculture Science (Cefas). The Action Levels have been adopted across the UK for comparison and consistency and they are applied to determine if dredged sediment is safe and suitable for disposal at sea. All sediment is sampled and robustly tested against these Action Levels prior to a determination being made on an application.

NRW has a dedicated page on its website providing details on the latest position with the disposal of dredged sediment associated with the Hinkley development. This includes its latest advice to EDF energy on a draft sediment sampling plan, which details the requirements for testing of the sediment. Should the sample plan be approved by the MLT it will be used by EDF energy to support an application for a marine licence. You may wish to review this for further information: <https://naturalresources.wales/about-us/news-and-events/statements/marine-licence-to-dispose-dredged-material-off-the-coast-of-south-wales/?lang=en>.

Regards

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

**Lesley Griffiths AS/MS**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs