

P-05-1003 Demand an EIA now on the dumping of radioactively contaminated mud in Welsh waters, Correspondence – NRW to Chair, 05.10.21

EDF's marine licence application to the Marine Management Organisation

You have asked NRW for the reasoning behind not making public the application documents submitted to the Marine Management Organisation (MMO) and requested us to do so as soon as possible. We would like to highlight that the MMO is the public body responsible for receiving and determining marine licence applications in England. They are required by law under the Marine and Coastal Access Act 2009 and the Marine Licensing (Register of Licence Information) Regulations 2011, to maintain a register and publicise up-to-date information on applications, issued marine licences and documents supporting the decisions. NRW, as part of its delegated licensing function on behalf of the Welsh Ministers, maintain a separate Public Register for marine licences in Wales.

The MMO have made the application documents available on their Public Register. To assist the Committee and other interested stakeholders, we have updated our dedicated [Position Statement](#) with information on how to access the MMO's Public Register and the specific marine licence variation (MLA/2012/00259/6) that was granted by the MMO on 2 August 2021 to EDF.

NRW were consulted by the MMO on the application, in our capacity as the Statutory Nature Conservation Body (SNCB) in Wales. NRW's SNCB response to that MMO consultation can also be found in the MMO's Public Register (titled "*NRW comments on HPC ML Rev6 MLA2012002596*") and also attached to this letter for ease.

Further petitioners' comments and questions

In relation to the matters raised in both of the petitioner's letters (25 August and 7 September 2021), we would highlight that we have previously provided detailed responses to the Committee on 15 April 2021 and 10 May 2021 regarding both the Prof. Barnham and NRPB-M173 reports. We would be happy to provide these again if that would assist the Committee.

Regarding comments on sediment testing of dredged material; we would like to highlight to the Committee that EDF's sediment sample plan (required for the characterisation of the sediment before any future marine licence application for its disposal in Wales), was subjected to a thorough public consultation. Whilst not a statutory requirement to publicly consult on sample plans, NRW, in recognition of the public and political interest in this matter, undertook a six-week public consultation (5 February 2020 - 18 March 2020) to provide the opportunity for people to submit their views on whether the sampling plan complies with the internationally agreed guidance and the processes within UK and Welsh legislation. We communicated widely our approval of the revised sample plan on 15 September, with our decision document and the plan itself being made available via our on-line Position Statement.

The marine licence application that EDF submitted to NRW in March this year has not been duly-made and is not currently under determination. If circumstances change, we will update our Position Statement.

It is our view that the points raised in the petitioner's letters submitted to the Committee, as well as any possible further representations should be submitted in response to a public consultation of a duly-made marine licence application, should NRW progress to that stage in the future. All documents submitted in support of such an application would form part of a consultation with technical advisors and the public, and this provides the opportunity to submit any relevant information to help inform our decision making. We trust the points raised in those letters by the petitioners were submitted to the MMO during the public consultation that was conducted for the marine licence variation (MLA/2012/00259/6).

The recommendations made within the petitioner's letter of 25 August 2021 request NRW to stop EDF from conducting any further activities in relation to HPC construction under Health and Safety grounds. NRW has no powers to revoke or stop an MMO marine licence in English territory nor to instruct UK Government to conduct an independent public inquiry of alleged historic plutonium leaks from Hinkley Point A. Such concerns should be raised with the appropriate public authorities in England.

Kind regards,