

Exert Welsh interests and defend international law against EdF-Hinkley fish-kill in Severn Estuary

Y Pwyllgor Deisebau | 9 Ionawr 2023
Petitions Committee | 9 January 2023

Reference: SR22/4475-2

Petition Number: P-06-1311

Petition title: Exert Welsh interests and defend international law against EdF-Hinkley fish-kill in Severn Estuary

Text of petition:

We call on the Welsh Government to urgently approach Westminster's George Eustice over England's regulators blatantly disregarding the 'no harm principle' in relation to the Marine Protected Area (MPA) status of the Severn Estuary. This relates to permitting the dumping of Hinkley sediments and solid materials into the Severn and continuing the licence for Hinkley's seawater cooling system which kills fish and juveniles on a massive scale with significant ecological damage.

Stewardship of the Severn MPA is shared between Welsh and English authorities so the Welsh Gov. needs to press England's regulators to comply. The MPA was jointly-designated in 2018 under the international OSPAR Commission. The Welsh National Marine Plan (NMP) prevents harm to fish and further dumping of capital dredgings on the Welsh side of the Estuary.

The Hinkley report to Wales' First Minister said Hinkley Point C power station should use a land-based cooling system.

We call on the Welsh Government to follow this expert advice and challenge George Eustice to instruct England's regulators to uphold the MPA status of



the Severn Estuary and adhere to jointly agreed policies on protection and management of activities in the MPA.

These common policies should develop and include the no-harm principle as in the Welsh NMP, which would include no waste dumping and ending the Hinkley cooling water intake that is estimated to kill ½ million fish each day of its 60yr life.

1. Background

EDF Energy is developing a nuclear power plant at Hinkley Point near Bridgwater, Somerset. Called Hinkley C, it will be the first new nuclear power station for a generation.

In the response to this petition, the Minister for Climate Change, Julie James MS highlights that the Severn Estuary is a site of important ecological interests. She says it is recognised and protected by a range of nature conservation designations including the Severn Estuary Special Area of Conservation (SAC) and Special Protection Area (SPA), and that these are:

... transboundary sites between England and Wales. The site conservation objectives have been set jointly by Natural England and Natural Resources Wales. Where development in the designated site occurs in England, the Secretary of State would seek advice from the relevant Statutory Nature Conservation Body. Natural Resources Wales would only be consulted if there are potential impacts to features of the site within Wales.

1.1.a. Sediment dredging and disposal

As part of the site construction , EDF is dredging sediment from the seabed in the estuary to drill six vertical shafts for the cooling water system.

As the area being dredged is within a recognised SAC, any sediment removed from this area must be put back into the same area to maintain the natural balance of sediment in the SAC. This is a condition of the dredging licence.

Dredging first began in September 2018, where dredged material was deposited at Cardiff Grounds, an established disposal site for marine dredged materials off the coast of south Wales. The proposals were controversial, and the then Fifth Assembly's Petitions Committee gave detailed consideration to a petition on this subject.

New proposals were put forward in 2020 for a second phase of dredging sediment. Again these proposals were the subject of Senedd Petitions Committee scrutiny.

At the time, EDF was pursuing three marine licences for activities in Welsh and English waters. Two licences were sought from the Marine Management Organisation (MMO) in England; one to collect samples on the dredge, and the second conduct the dredge of the sediment.

EDF would have also required a marine licence from NRW for the disposal of the sediment in Welsh waters (as per the first phase of dredging). However, following a variation of EDF's marine licence from the MMO, the material will be deposited at the Portishead licenced disposal site, located in England. A marine licence is no longer required from NRW.

Currently, there are no proposals to dispose of Hinkley derived dredge material in Welsh waters.

1.1.b. Environmental permit appeal – fish deterrent

In developing an Environmental Permitting Regulations (EPR) permit for the site, the Environment Agency had specified, amongst many other conditions, that the cooling water intake should have an acoustic fish deterrent (AFD). This is to minimise the entrainment and killing of potentially millions of fish every year.

However the site owners, NNB Genco, sought a change to the EPR conditions which would allow it not to install the AFD. It argued that the change would not adversely affect the integrity of the designated sites.

The Environment Agency publically consulted on the application to vary the permit, but was “unable to conclude that removing the AFD would have no adverse effect on the protected habitats and species in the Severn Estuary”.

A public inquiry to consider the appeal was held by the Planning Inspectorate in June 2021. The Planning Inspectorate produced a report presenting recommendations for final determination by the Defra Secretary of State.

On 2 September 2022 [Defra wrote to NNB Genco](#) to say that its appeal was rejected, and that the requirement for an AFD was to be retained.

Further details of the Environment Agency's regulation of Hinkley Point can be [found on the UK Government website](#).

1.2. Welsh National Marine Plan

The [Welsh National Marine Plan \(WNMP\)](#) states the Welsh Government's policies for, and in connection with, the sustainable development of the marine plan area. There are two types of policies in the WNMP; general and sector policies, which are designed to work together to support sustainable development.

The plan includes sector policies on 'dredging and disposal', and 'fisheries'.

It does not prevent "harm to fish" or further disposal of sediment in Welsh waters, but seeks to ensure activities are being carried out in a sustainable way.

Further details on the WNMP can be found in this [Senedd Research publication](#).

2. Welsh Government action

The Welsh Government convened the [Hinkley Stakeholder Reference Group](#) to provide an independent assessment of implications for Wales of the Hinkley Point nuclear power station. The group [reported in March 2021](#).

The Minister for Climate Change, Julie James MS, considered the findings of the report. The [Minister wrote to the UK Government](#) to highlight "the importance of infrastructure developments in cross-border areas considering devolved legislation".

3. Welsh Parliament action

The development of Hinkley Point C has been subject to two petitions, both considered during the Fifth Senedd:

- [P-05-785 Suspend Marine Licence 12/45/ML to dump radioactive marine sediments from the Hinkley Point nuclear site into Wales coastal waters off Cardiff](#)
- [P-05-1003 Demand an EIA now on the dumping of radioactively contaminated mud in Welsh waters](#)

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