

Diane McCrea  
Chair  
Natural Resources Wales

13 November 2017

Dear Diane,

### **Disposal of dredged sediment at sea under marine licence 12/45/ML.**

You will be aware of recent public interest in the marine licence you granted (11 July 2014) to NNB Genco for the disposal of dredged sediment in the Cardiff Grounds disposal site, relating to the construction by EDF Energy of a water cooling system for Hinkley Point C.

Assembly Members have raised concerns on this issue on several occasions in Plenary and the Cabinet Secretary for Energy, Planning and Rural Affairs has made related statements. This matter is also the subject of an Assembly petition, "Suspend Marine Licence 12/45/ML to dump radioactive marine sediments from the Hinkley Point nuclear site into Wales's coastal waters off Cardiff", which has been supported by 7,171 members of the public.

Given the level of public interest, the Climate Change, Environment and Rural Affairs Committee agreed to receive a presentation from EDF Energy on this matter on 26 October. A number of issues were raised during that presentation on which the Committee would like further clarity.

#### **1. Compliance with Marine licence 12/45/ML**

Section 9.5 of the license requires that the Licence Holder must ensure that "no material is deposited after 4th March 2016 without written confirmation from NRW, acting on behalf of the Licensing Authority, that they are satisfied the material is suitable for deposit at site LU110".

**Question 1:** *Can you explain the process NRW will undertake to ensure that the dredged sediment is "suitable" for deposit in the Cardiff Grounds site?*

Section 72 of the Marine and Coastal Access Act 2009 (hereafter the Marine Act) provides a procedure for "varying, suspending or revoking" a licence. The



grounds for suspension of a licence include where there has been a change in circumstances relating to the environment or human health, or because of an increase in scientific knowledge relating to either of those two matters.

**Question 2:** *Can you clarify how you will assess whether the grounds for suspension outlined in Section 72 have been met in relation to the results of the new samples acquired in May and reported to NRW in September 2017? Against what criteria would those grounds be assessed?*

## **2. Public health concerns**

Section 69 of the Marine Act requires the licensing authority to have regard to the need to protect human health when determining an application. You will be aware that there has been considerable public concern and media coverage about the potential impact on human health of the disposal of sediment in the Cardiff Grounds site, specifically in relation to the radioactivity of the sediment. The Assembly petition relating to Marine licence 12/45/ML states that “Hinkley’s radioactive discharges to sea contain over 50 radio-nuclides, but the analysis has only investigated 3 of them. Thus, the actual aggregated radioactivity content of the sediments will be much higher than indicated by the available analysis.”

**Question 3:** *EDF Energy has told the Committee that its initial tests investigated over 50 radio-nuclides but only three radio-nuclides were detected. Can you confirm this is the case?*

EDF Energy also informed the Committee that Cefas has undertaken recent testing for radiation on sediment samples from the area to be dredged. The Committee does not wish to cast doubt on the reliability of Cefas’ work, but given the public concern on this matter, we believe that any steps that can be taken to reassure the public should be given serious consideration.

**Question 4:** *Would you be prepared to consider commissioning a third party to review the findings of those tests? I trust that you will, in any event, share with this Committee and make public the findings of the most recent tests from May 2017.*

The Assembly petition sets out concerns that only surface samples of sediment have been analysed and, as a consequence, radioactive content below the surface may not be detected. EDF Energy reassured the Committee that, in its earlier work, Cefas had analysed samples from beneath the surface (up to 4.8m). They stated that the analysis had not identified abnormal levels of radio-nuclides.

**Question 5:** *What is NRW’s view on this issue? Is NRW satisfied that no further analysis of samples from beneath the surface is necessary?*



### 3.Environmental impact

Section 69 of the Marine Act requires the licensing authority to have regard to the need to protect the environment.

The Assembly petition relating to Marine licence 12/45/ML requests that the licence should be suspended to ensure that a “full Environmental Impact Assessment, complete radiological analysis and core sampling are carried out”.

**Question 6:** *Has an Environmental Impact Assessment been undertaken in relation to this specific licence? If not, why? Is NRW satisfied that in looking at this application for a licence to dispose dredged material at sea, that a robust process was followed that gave sufficient consideration to the protection of the marine environment and protection of human health?*

You will also be aware of concerns about the lack of reliable data to inform any assessment of the impact of the disposal of sediment in the Cardiff Grounds site.

**Question 7:** *Is NRW satisfied it has sufficient data and information on the material, such as sediment samples at depth and testing for radioactivity, to assess in a reliable way the impact of the disposal of the material?*

### 4. Monitoring

Section 9.1 of Marine licence 12/45/ML states that “The Licence Holder must submit a proposal for a monitoring programme of the disposal site and immediate environs to Natural Resources Wales acting on behalf of the Licensing Authority for written approval at least 12 weeks before any disposal operation. The scheme will include details of pre, during and post disposal operation surveys, and any actions to be taken as a consequence of the survey findings. The purpose of the scheme will be to enable the avoidance of significant build-up of material and any consequent shallowing.”

We understand from EDF Energy that the monitoring plan was received by NRW in October 2016 and approved in November 2016. They also advised that new samples acquired in May 2017 and associated analysis of these were reported to NRW in September 2017.

**Question 8:** *Can you explain the process undertaken by NRW to scrutinise this latest analysis and in doing so, satisfy itself that the conditions of the licence continue to be met?*

### 5. Public perception

Throughout this letter I have referred to concerns expressed by members of the public about the potential impact of the disposal of sediment in the Cardiff Grounds site. During its presentation, EDF Energy sought to reassure the Committee that the public concern was unfounded.



If that is the case, the Committee believes that there is a considerable amount of work needed to translate that message to the public, both locally and more widely. This view appears to be shared by the Cabinet Secretary, who has informed the Petitions Committee that she would ask officials to “consider with NRW how they can communicate information on this licence as clearly and openly as possible to alleviate concerns further.”

**Question 9:** *Can you inform the Committee of any advice NRW received from the Cabinet Secretary or her officials on this issue and the actions you are taking in response?*

**Question 10:** *Are you satisfied that the public were consulted sufficiently during the process under Section 69 of the Marine Act?*

## **6. Licensing process**

The Committee is aware that marine licensing is a function delegated to NRW on behalf of Welsh Ministers via the Marine Licensing (Delegation of Functions) (Wales) Order 2013.

**Question 11:** *Can you confirm that NRW is satisfied that the marine licensing process is robust, fit for purpose and that NRW has sufficient resources to administer it? Are there any aspects of the marine licensing process you believe could be improved, or any matters you would like to draw to this Committee’s attention?*

Copies of this letter will be sent to EDF Energy and Public Health Wales, who may wish to note its contents in relation to the public health concerns raised with Assembly Members. A copy will also be provided to the Chair of the Assembly’s Petitions Committee.

Yours sincerely,



**Mike Hedges AM**

**Chair of Climate Change, Rural Affairs and Environment Committee**

Cc: EDF Energy; Public Health Wales; Chair of the Assembly’s Petitions Committee.

