

Grŵp Cyfeirio Rhanddeiliaid Hinkley Point C
Hinkley Point C Stakeholder Reference Group



Llywodraeth Cymru
Welsh Government

Kevin Gordon
Environment Appeals Administration
The Planning Inspectorate
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27 October 2020

Dear Mr Gordon

Re: NNB Generation Company (HPC) Limited, EPR/HP3228XT/V004: Environmental Permit Appeal

The First Minister of Wales, Rt Hon Mark Drakeford MS, established an expert advisory group (the Hinkley Point C Stakeholder Reference Group) earlier this year to provide his Government with advice on the implications of the Hinkley Point C development on the people and environment of Wales. I am writing to you in my capacity as Chair of the Group. The views expressed in this letter are of the Stakeholder Reference Group, not of the Welsh Government.

The Group has met four times since its creation this summer and at our latest meeting, on 19 October, we heard from representatives of EDF and Cefas. The Group sought information on a wide range of matters relating to the development, including the Acoustic Fish Deterrent (AFD) system and the Environmental Permit Appeal currently before the Planning Inspectorate. The Group would like to be clear that it does not wish to express a view on whether the Appeal should be allowed or dismissed. The purpose of this letter is to highlight issues which the Group believe to be pertinent to the Appeal, having heard directly from the appellant and their technical advisors at our most recent meeting.

The Hinkley Point C development has the potential to impact significantly on the people and environment of Wales. EDF were keen to highlight positive economic impacts, as a result of the many contracts awarded to Welsh businesses. The project's impacts on the environment are less clear, and the Group therefore believes that EDF, UK and Welsh Governments, relevant local authorities and environmental regulators in England and Wales have a duty to continue to ensure that the project adheres to the highest possible environmental standards.

The potential environmental impacts of the project on Wales are a consequence of the location of Hinkley on the Severn Estuary, which you will know is a dynamic tidal environment with the second greatest tidal range in the world. The project site is located in the same Severn Estuary/Môr Hafren Special Area of Conservation (EU Code UK001303) under the European Union's Habitats Directive (92/43/EEC) as the coastline of south east Wales, as well as parts of the marine environment situated within Welsh waters.

The Severn Estuary is one of the largest and most important mosaics of wetland habitat in Europe. The estuary and its tributary rivers support a wealth of wildlife and receives protection under domestic and European legislation. Its coastal habitats provide a home for tens of thousands of migratory waterbirds, around 100 species of fish, and large numbers of invertebrates. The estuary is also a vital migration route for migratory fish. It is our duty as a Group to make sure that the procedures for regulating the development of Hinkley Point C take appropriate account of the protection and enhancement of Wales' coastal and marine environments, and to highlight any threats to these environments.

The Group recognises the environmental considerations underpinning the Development Consent Order (DCO) granted by the Secretary of State to allow the development of Hinkley Point C. This DCO must provide the absolute baseline for environmental standards, mitigation measures and planning obligations associated with the project. The principle of developing to the approved specifications is fundamental to the UK planning and infrastructure consenting systems. Departures from agreed plans undermine the credibility of, and public trust in, those systems. This is especially the case for projects as significant as new nuclear power stations, where changes that may be considered minor on a project scale can have major implications on surrounding populations and ecosystems. The Group therefore asks that the Planning Inspector should assess and be fully satisfied that the appeal does not lessen or weaken the commitments expected of the Developer under the DCO.

At our recent meeting, the Group was not able to develop a comprehensive understanding of why EDF had chosen to submit an appeal and to interpret the Environment Agency's consideration of its application as a deemed refusal. We would be concerned should the appeal be made on the basis of cost and human health and safety, and not on the basis of any evidence that shows the AFD to be unnecessary from an environmental perspective. As the AFD is fundamentally a mechanism designed to help make the project's impact on the environment acceptable, it stands to reason that only environmental reasons could justify its removal from the approved scheme.

We understand the Environment Agency's position is that it had made a provisional conclusion that the removal of the AFD, without additional mitigation measures, would be unlikely to meet the requirements of the Habitats Regulations. We reiterate our view that retrospective changes to agreed consents that row back from agreed standards – or are perceived to weaken them - are inappropriate and unacceptable for projects such as Hinkley Point C. The Group has received papers outlining the potential harm that Hinkley Point C poses to fish stocks in the Severn Estuary, even with the AFD in place. The Group acknowledges that the DCO allows for losses to fish stocks, which will affect ecosystem in English and Welsh marine environments, but the Group would request that the detailed evidence of expert stakeholders in the field are given full consideration and due weight in the determination of this appeal.

In conclusion, the Group needs to be satisfied that our concerns about aspects of Hinkley Point C's environmental credentials will be thoroughly assessed through the statutory consenting and appeals processes. Our priority is to ensure potential impacts on the people and environment of Wales are given the consideration they warrant in each and every one of those processes, and in the future monitoring of the project's impacts.

Please do not hesitate to contact me should you wish for the Group to elaborate on our position.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jane Davidson', with a long horizontal flourish extending to the right.

Jane Davidson

Cadeirydd, Grŵp Cyfeirio Rhanddeiliaid Hinkley Point C
Chair, Hinkley Point C Stakeholder Reference Group