

**Re: Application by NNB Generation Co Ltd
Hinkley Point C Preliminary Works: Temporary Jetty Development**

Comments by Stop Hinkley campaign

Stop Hinkley is a locally based group opposed to nuclear power activity at the Hinkley Point site, including the proposal for a Hinkley Point “C” power station. We have been campaigning against nuclear power in Somerset and beyond for more than twenty years, and the organisation was a major participant in the 1988-9 public inquiry into the original plans for “Hinkley C”.

1. Objection in Principle to “Preliminary Works”

This application is inaccurately described as for “Preliminary Works”. The extent of the activity detailed in the application – involving the construction of a jetty stretching more than 500 metres out into the sea, a conveyor system for aggregate unloading as well as storage facilities on land covering over 8 hectares, with cement silos and a rock extraction area - mean that the work is effectively part of the start of construction of the proposed Hinkley C nuclear power station.

EdF argues that “the jetty development is needed early to provide a means for delivery of bulk construction materials (principally stone, sand and cement) to the construction site at Hinkley Point”, and that the Preliminary Works as a whole are needed in order “to speed up the construction programme so that the new power station can be operational by 2018. This is in line with Government policy that encourages early development of new nuclear build to assist in meeting the UK’s carbon reduction targets (to help mitigate climate change) and improve the diversity and security of our electricity supplies.” (Non-Technical Summary, p.2)

Stop Hinkley believes that there is no urgency which justifies this precipitate action in advance of the company receiving consent from the Infrastructure Planning Commission to construct the power station itself. We have already argued, in submissions to the government’s Energy National Policy Statement consultation and elsewhere, that there are alternative ways to a) “keep the lights on” in the UK and b) move effectively towards a low carbon electricity supply system without falling back on a “nuclear revival”.

Although EdF is relying on the government’s policy in favour of “new nuclear build” in order to justify its timetable, the documents which would confirm that policy - in particular the National Policy Statements covering overall UK energy policy and nuclear energy - have yet to be approved by parliament. The consultation period on these documents does not end until 24 January, and parliamentary approval is unlikely before

spring/summer 2011. A confirmed government policy on nuclear power, including projects such as Hinkley C, is therefore currently in limbo.

At the time of writing, EdF is also still waiting for a series of other approvals which would enable the proposed power station to go ahead. These include:

1. Agreement of the reactor design (the European Pressurised Reactor, of which there are none yet operating anywhere in the world) through the Generic Design Assessment process.
2. Approval of the radioactive discharges the reactor will be allowed to make.
3. Agreement on a satisfactory payment system for management of the decommissioning process and radioactive waste which will have to be dealt with for many years after the power station has ceased operation.

The company has also indicated that it will not be able to make the project operate economically unless it is given further financial support through, for example, a fixed price for carbon abatement. The process for achieving such support measures, through the government's package of "electricity market reforms", has only just started and is unlikely to be completed, at the earliest, before the end of 2011.

Most importantly, EdF has yet to submit an application for development consent to the Infrastructure Planning Commission (IPC). The company announced before Christmas that it would be conducting a third stage of consultation with the local community and local authorities, expected to start in spring 2011. It is therefore unlikely that the IPC application will be made before summer/autumn 2011 at the earliest. It would then take up to a year, possibly longer, to pass through the IPC process and reach the point of determination. No site preparation works should be carried out in advance of that application being approved.

2. Effects of Jetty Construction

This development will have a major impact on a coastal area and its hinterland which at present is completely undisturbed by industrial activity. Despite the presence of two nuclear power stations nearby, one still operating, it is possible to enjoy the scenery, environment and wildlife of this area without any indication of their proximity.

The adjacent Shurton Bars, where the cliffs fall away to the shore, is a favourite place for local people to walk to. At low tide the foreshore is transformed into a sandy beach, making it a very pleasant place to picnic and sunbathe in the summer. Between Shurton Bars and the site covered by this application there is a rectangular plot (just back from the coast) overgrown with brambles. This contains the remains of a traditional gypsy caravan and surrounding garden once lived in and cultivated as a secluded holiday

retreat by a couple from Bristol. All this environment of peaceful rural and seaside tranquillity would be completely ruined if this development is allowed to go ahead.

The negative effects of the jetty construction also include:

a) Closure of rights of way

It is accepted by the applicants that obstruction of public rights of way would represent a “high magnitude disturbance” (Non-Technical Summary, p.16). There would also be “an increase in noise, dust and visual disturbance” (ref as above).

Closure of the West Somerset Coast Path will involve a severe loss of amenity, since this right of way enables access to the foreshore, views of the Severn Estuary and the wildlife which inhabits the offshore protected areas. This path is in effect an extension of the South West Coast Path, which stretches unbroken for 630 miles right round the southwest peninsula. Furthermore, when the coastal access provisions of the Marine and Coastal Access Act 2009 are finally implemented, work is expected to commence from April 2011 onwards to provide a continuous coastal path around the whole of England.

b) Destruction of the landscape

This development will transform what is at present an area of arable agricultural land into an industrial development similar to those found at large quarry sites, including artificial lighting. The applicant accepts that the visual impact from a number of local viewpoints will be “major” and “adverse” (Non-Technical Summary p.35).

c) Impacts on coastal ecology

Construction of the jetty will seriously disturb the sea bed and its sediments. According to the applicants’ Scoping Opinion, approximately 20,000 cubic metres of material will need to be dredged out from the ship berthing area and disposed of elsewhere.

The work will result in the “permanent loss of sensitive marine receptors” (Non-Technical Summary p.47). The red algae species *Corallina* will be significantly affected by the physical disturbance of constructing the jetty, according to the applicants.

Fish and other marine species will be disturbed by the substantial underwater noise generated by this construction work. Birds using the inter-tidal areas close to the jetty are also likely to be adversely affected by noise during construction.

The jetty will be build right through protected coastal areas, including the Severn Estuary Special Protection Area, Ramsar site, SAC and parts of both the Bridgwater Bay and Blue Anchor to Lilstock Sites of Special Scientific Interest.

Although the proposed jetty (and its associated infrastructure) is described as “temporary”, it is likely to be in place, once constructed, for at least seven years (the proposed construction period of the Hinkley C power station) and probably longer. The suggestion in the application that this development could be removed and “the land reinstated back to its current form” (Non-Technical Summary, p.5) if approval is not given for the power station is clearly a nonsensical assertion. The extent of the excavations and disturbance means that it would be impossible to recreate the environment and its features once they had been destroyed.

Construction of the jetty will also add to the impact of the substantial Preliminary Works proposed by EdF (NNB Generation Co Ltd) across more than 171 acres in a separate application to West Somerset Council.

None of this destructive and disturbing work is justified in advance of the developers making an application to the Infrastructure Planning Commission to build the power station, and the IPC reaching its conclusion.

3. Consultation

It is suggested in the application (Non-Technical Summary, pp.9-10) that substantial consultation has already taken place on the jetty development. In fact, although a map showing the location of the jetty was included in some EdF public consultation documents, very few further details have been made available, and certainly nothing approaching the level of detail provided in this application.

Since the MMO is a new organisation with which the public will not generally be familiar, it is important to recognise that - despite the level of concern expressed by many local people about the Preliminary Works application to West Somerset Council - it is far less likely that they will have responded to this parallel process. This should not be taken as an indication of acceptance by the local community. From our own knowledge and observations, many residents in the immediate vicinity of the site are concerned both about the disruption likely to be caused by this work and by its prematurity.

4. Specific Environmental Issues and the Environmental Impact Assessment procedure

Stop Hinkley is outraged at the way that the proposed developments at Hinkley Point have been split into several components for the purposes of Environmental Impact Assessment (EIA). The scale of the project is such that splitting the application into preparatory and staged phases is a meaningless exercise in terms of the EIA; it is merely expedient for the developer to do it like this.

It is generally acknowledged to be poor practice to divide large infrastructure developments into stages or separate components for the purposes of EIA, as this precludes the opportunity for an effective assessment of cumulative effects and tends to underplay the significance of effects. The combined effects of earlier and later phases of development cannot be assessed in detail if engineering design for the later phases is still at a preliminary stage.

Environmental Impact Assessment Best Practice

Best practice for Environmental Impact Assessment is to consider all stages of a development. This is especially important at Hinkley Point, where almost 200 hectares of habitat is destined for ecological annihilation. In addition, the proposed site of the jetty is within a Natura 2000 site and the area covered by the land-based Preliminary Works (and potential construction of the eventual nuclear power station itself), along with the proposed transport infrastructure, is adjacent to the Natura 2000 site.

Article 6 of the Habitats Directive sets out a series of site management and site protection provisions and the European Court of Justice has confirmed that the underlying purpose of Article 6 is to prevent adverse effects on the integrity of Natura 2000 sites (see Waddenzee ruling, ref C-127/02, European Court of Justice, 2004). The right to develop or manage land is recognised, provided it is done responsibly by avoiding damage to Natura 2000 sites or European protected species. Consent to alter land use or develop Natura 2000 sites should only be granted when "...there is no reasonable scientific doubt as to the absence of adverse effects..." (see paragraph 58 of the European Court of Justice, 2004 ruling, as above, and paragraph 24 of a subsequent European Court of Justice, 2006 ruling). Article 6(4) does provide for exceptions to this general rule, provided strict tests on alternative solutions and overriding public interest are met. In this case the overall proposed development is adjacent to, rather than within a Natura 2000 site, but the burden of proof nevertheless rests with the proponent to demonstrate that there will not be any adverse effects. Stop Hinkley is not aware that alternative proposals have been considered, and requests sight of and comments on such proposals forthwith.

We are also confused by the submission of separate applications for the jetty and the land-based Preliminary Works. Each submission puts forward the same evidence and is backed by the same reports, therefore why not have just one application which covers the whole project?

Concerns for local community involvement and the democratic process

It is clear that the applicants proposing these developments at Hinkley Point (EdF) have little regard for meeting the environmental concerns of the local community. Both the Temporary Jetty Application and the Site Preparation Works Application contain very large numbers of documents, often unnecessarily repetitive. The environmental and ecological impact assessments outlined in these documents are confusing, and have not followed best practice and proper procedure. In the specific case of the Habitat Regulations they have not gathered all the scientific information that is required by statute.

West Somerset Council is the authority responsible for dealing with the Site Preparation Works Application under the 1990 Town and Country Planning Act (as amended). The Jetty Application is the responsibility of the Marine Management Organisation (MMO). The construction of the proposed nuclear power station, however, will be considered by the Infrastructure Planning Commission as a Development Consent Order under the 2008 Planning Act. Dealing with the environmental and ecological impacts of these three applications through separate EIAs inevitably leads to confusion both in the procedure and over the potential ecological and environmental consequences.

Stop Hinkley has noted that a large number of meetings have taken place over the past three years in attempting to fulfil the requirements of the EIA; these meetings have included a range of statutory and non-statutory bodies, as well as Somerset County Council, but have not always included West Somerset Council (Jetty Application Vol. 2, Chapter 11, Table 11.1). Stop Hinkley would like an explanation as to why West Somerset Council has not been included in meetings concerning the preparation of the EIA.

Ecological Impact

The Habitats Regulations state that the competent authority (in this case the MMO) should complete a consultation with statutory consultees before planning consent is given, in order to allow any necessary mitigation to be developed in the event of significant adverse effects on the integrity of any European site. The European sites in this case are the Severn Estuary Special Area of Conservation (SAC), the Severn Estuary Special Protection Area (SPA) and the Severn Estuary Ramsar site. Natural England has agreed Habitat Regulation Guidance Notes to help it determine such significant effects. Stop Hinkley is not aware that an appropriate assessment has taken

place. Can the MMO ensure that an appropriate assessment is undertaken and provide Stop Hinkley with a report to this effect?

The ecological impacts assessed and summarised in the Jetty Application Chapters 10 and 11 (Marine and Terrestrial Ecology) acknowledge that a large number of ecological groups and species will be impacted on. While it is recognised that many of these negative impacts fall into the minor adverse and negligible categories, the fact that there are so many of them is cause for serious concern. Stop Hinkley is not convinced that the applicant has demonstrated that the requirements and spirit of Planning Policy Statement 9 (PPS9) have been met; this states that biodiversity should be “maintained, enhanced, restored or added to”. We therefore request to see what arrangements have been made by the MMO to ensure that the applicant fulfils the requirements and spirit of PPS9?

Stop Hinkley is aware that best practice for an Ecological Impact Assessment is that presented by The Institute of Ecology and Environmental Management (IEEM). We would therefore like to know why the applicant did not use this methodology to appraise the significance of the impacts and why the MMO did not insist that the IEEM procedure was followed?

Terrestrial Ecology and Ornithology Survey

At the time that the ecological survey of this proposal was undertaken, the surveyors acknowledge that they were unsure about the exact location of the proposed jetty (Jetty Application Vol. 2, Chapter 11.3.5). The surveyors do say that they extended the site survey in order to include the potential locations of the jetty. However, it is important that both the applicant and the MMO confirm that the now proposed location of the jetty was surveyed for all relevant ecological aspects; and if not will they ensure that such a survey is undertaken and reported to Stop Hinkley?

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