

Is-adran Môr a Physgodfeydd
Marine and Fisheries Division



Llywodraeth Cymru
Welsh Government

18 August 2020

Ein cyf/Our ref: TO/LG/01912/20

Cian Ciaran

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Dear Mr Ciaran,

Thank you for your email of 30 July to Lesley Griffiths, Minister for Environment, Energy and Rural Affairs, regarding the disposal of dredged material associated with the Hinkley Point C development. I have been asked to provide a reply.

Natural Resources Wales (NRW) administers and determines marine licence applications, acting on behalf of the Welsh Ministers. The Marine and Coastal Access Act 2009 establishes the legal process which must be followed by any person wishing to apply for a marine licence and the matters which NRW must consider in its assessment of any application, including the need to protect the environment and human health.

The marine licensing process is one of the key tools in ensuring the sustainable management of Welsh waters. Part 1 of the Environment (Wales) Act 2016 seeks to promote the sustainable management of natural resources (SMNR) and to ensure ecosystems are maintained and enhanced. One of the principles of SMNR defined in the Act is to take account of all relevant evidence and to gather evidence in respect of uncertainties. The marine licensing process is evidence led and by its nature fully supports the requirements of the Environment (Wales) Act 2016. A marine licence to dispose of sediment back at sea is only approved where NRW' Marine Licensing Team (MLT) concludes the evidence which supports an application demonstrates the sediment is safe and suitable for disposal at sea.

Supporting the marine licensing process is a suite of other legislation relevant to the marine environment which the MLT must also comply with prior to making a determination on an application, this includes the need to consider whether an Environmental Impact Assessment (EIA) is required to support an application for a marine licence.

The requirement for an EIA is set out in legislation through the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (EIA Regulations). NRW is defined as both the Appropriate Authority and the Regulator under these regulations. It is, therefore, a regulatory matter for the MLT, in consultation with its internal and external experts, and having regard to the legal requirements of the EIA Regulations, to determine whether the disposal of dredged sediment back at sea triggers the need for an EIA.

The EIA Regulations are concerned with the management of significant effects to the environment. Not all projects require an EIA. Schedule A1 of the EIA Regulations lists those projects which must require an EIA and Schedule A2 list those projects which can be

Rydym yn croesawu gohebiaeth Gymraeg. Cewch ateb Cymraeg i bob gohebiaeth Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome correspondence in Welsh. Correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not involve any delay.

determined on a case by case basis by the MLT, as the Appropriate Authority. Following consultation with its experts, should the MLT determine an EIA is required for the proposed activity, the MLT will advise EDF energy on the scope of the EIA, which must comply with the requirements as set out in the EIA Regulations.

Further to the above, it is important to note a non-EIA approach does not mean a full and thorough assessment will not be undertaken on an application. I would like to assure you whether an EIA is required or not, robust procedures are in place to ensure all sediment deposited at sea under the terms of a marine licence is fully assessed to ensure it will not cause any harm to the environment or human health.

The UK has signed up to the London Protocol and the OSPAR convention for the Protection of the Marine Environment of the North-East Atlantic. All applications for a marine licence to dispose of sediment must follow guidelines produced by OSPAR and be in compliance with Action Levels set by the Centre for Environment, Fisheries and Aquaculture Science (Cefas). The Action Levels have been adopted across the UK for comparison and consistency and they are applied to determine if dredged sediment is safe and suitable for disposal at sea. All sediment is sampled and robustly tested against these Action Levels prior to a determination being made on an application.

With regard to your comments about the testing of material associated with the previous marine licence (NRW ref: 12/45), now expired. All necessary testing was carried out. Chemical and radiological sampling and analysis was undertaken in 2009, 2013 and 2017 by Cefas. The analysis showed the dredged material to be well within safe limits and posed no radiological risk to human health or the environment. The procedure adopted for radiological assessment followed internationally agreed guidelines - Atomic Energy Agency (IAEA) procedures, incorporating a stepwise evaluation procedure for the screening of sediment.

Furthermore, no microparticles containing high levels of radioactivity were found in the sediment samples using gamma-ray spectroscopy. These type of microparticles contain a mixture of alpha, beta and gamma-emitting radionuclides. If there was an abundance of these microparticles, then a gamma-emitter (e.g. caesium-137) would identify a "spike" in the results and would be further investigated. Annual monitoring of sediments by the Environment Agency around Hinkley Point, reported in annual Radioactivity in Food in the Environment Reports, has not identified any "spikes" in sediment samples, indicating microparticles are not present in large quantities.

NRW has a dedicated page on its website providing details on the latest position with the disposal of dredged sediment associated with the Hinkley development. This includes its latest advice to EDF energy on a draft sediment sampling plan, which details the requirements for testing of the sediment. Should the sample plan be approved by the MLT it will be used by EDF energy to support an application for a marine licence. You may wish to review this for further information: <https://naturalresources.wales/about-us/news-and-events/statements/marine-licence-to-dispose-dredged-material-off-the-coast-of-south-wales/?lang=en>.

Yours sincerely,

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Rheolwr trwyddedu morol / Marine Licensing Manager