

Meeting note

Project name	Bradwell B new nuclear power station
File reference	EN010111
Status	Final
Author	The Planning Inspectorate
Date	13 January 2021
Meeting with	Bradwell B project team
Venue	Telecon
Meeting objectives	Project Update
Circulation	All attendees and the Applicant

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Bradwell B project update

The Applicant stated that during 2021 the project will focus on co-engineering feasibility work and ensuring this was robust before the project progressed. A successful General Design Assessment (GDA) outcome was required following completion of the Environment Agency consultation period. The outcome would inform the project design and it was reviewing different scopes for a strategic direction of travel. Marine environment survey work had temporarily ceased in November 2020 following receipt of one full year of data to support the project activities during 2021. The Applicant acknowledged the need for the completion of several year's worth of data in order to support impact assessments prior to submission of the DCO and other major permissions applications. This had been communicated with local authorities and environmental regulatory stakeholders. While this work was ongoing the external suppliers supporting the survey work, assessment of impact and progression of the DCO and other major permissions applications had largely been stood down following hand over to the core project team who would continue on the project. The Applicant noted that the requirements for additional public consultation remained with the dates of these and the submission of the Development Consent Order (DCO) application to be determined. Following further consideration during the Applicant would then produce a revised programme for the DCO application and environmental permits.

The Inspectorate requested updated contact information for the project page of its website. The Inspectorate also asked how the Applicant would update other stakeholders and advised to consider means of updating the local community. The Applicant said local authorities were aware of the project's 2021 refocus toward Engineering Feasibility and the GDA process and a communications strategy was being developed to communicate this more widely.

The Applicant confirmed the Planning decision appeal under the Town and Country Planning Act 1990 for Geotechnical Investigation work next to the existing Bradwell Power Station is ongoing, and a site visit by the Planning Inspectorate had taken place. It confirmed the importance of the Geotechnical Investigation works to support the engineering design. However, it was reviewing the necessity of the work in the near term while the appeal was ongoing.

The Inspectorate queried the implications for the pausing of survey work on seasonal survey data requirements. The Applicant acknowledged the need for robust datasets and that these were needed prior to the submission of the DCO and other applications. The Inspectorate advised of the requirement to gather data prior to the submission of the DCO application and the potential impact on the consenting process. The Applicant said it was keen to get the input of Statutory Consultees on the development of the timeline. The Inspectorate advised any evidence of agreement with Statutory Parties should be included within the application.

Scoping report

The Applicant provided an update following receipt of the Scoping Opinion. It was populating a tracker to log consultee responses and assess the issues raised for further action. This was approximately 80% complete before the project's 2021 refocus toward Engineering Feasibility and the GDA process. There were some points it would seek further clarification on, including the Inspectorate's disagreement to scope out a number of matters from the assessment. These included (but were not limited to) matters relating to off-site development impacts on marine water quality and marine fisheries, effects on construction workers from exposure to contaminated land, and effects on Areas of Outstanding Natural Beauty (AONBs).

The Inspectorate advised that the decisions in the Scoping Opinion related to a general lack of information regarding the design parameters and locations of off-site elements to justify recommendations to scope these matters out of the assessment. The Applicant acknowledged the requirement for further information and anticipated the Preliminary Environmental Information Report (PEIR) would contain this. The Inspectorate advised that the Scoping Opinion stood, and it was not able to re-scope unless the project was materially different. However, the Applicant could produce evidence to justify scoping out with involvement of Statutory Consultees. There could be the potential to re-scope in relation to the transport strategy. The Applicant speculated that the project re-set/re-design could allow for the re-consideration of the use of rail transport as part of a wider transport strategy that was considering the balance of road, marine and rail, and engineering/feasibility work was ongoing. The Applicant advised discussions were planned with Natural England (NE) regarding scoping in/out of AONBs, and the position would be communicated once confirmed. The Applicant acknowledged the lack of detailed guidance for offsite development works. The Applicant asked for any good examples for high level assessment for decommissioning. The Applicant was reviewing the action taken for the Wylfa Newydd project and the Inspectorate advised it would review and signpost to any further "good examples". The Applicant acknowledged the information required for the next phases of consultation to allow for better evidence to inform the Environmental Impact Assessment (EIA). The Inspectorate asked the Applicant to email with specific points for clarification on the Scoping Opinion.

Article 37 post departure from the European Union (EU).

The Applicant described the pre-Brexit Article 37 requirements, relating to transboundary impacts, radioactive waste disposal and emissions for new build power stations set out in the Euratom Treaty. It also described its actions to anticipate requirements post Brexit. This included meetings with the Environment Agency (EA) and BEIS in 2020 to understand potential alternative requirements. In the meantime, while post-Brexit requirements are developed, the Applicant is continuing to generate information that would be required under Article 37 as a form of project risk management. It was the Applicant's understanding that the Article 37-type requirements would primarily be brought into Environmental Permit Radioactive Substances Regulations requirements. Further, there was a clear requirement for transboundary assessments on impact. The Applicant was reviewing any issued Government guidance (Transboundary Radioactive Waste Disposal) and PINs Advice Note 12, section 6. Following Brexit, it was unclear about a requirement to do a transboundary assessment in the style of Article 37 requirements and described the need for an evidence based approach. There was a lack of regulatory drivers for accidental release/discharge but the Applicant intended to follow similar requirements to the Article 37 requirements, including a transboundary assessment for routine discharge either as a single report or in the radiological impacts chapters of the EIA. The current status of the project allowed for further development of government guidance as well as allowing the applicant time to understand and react to the requirements of government agencies.

The Applicant queried why Advice Note 12 includes a special section on transboundary consultation for nuclear projects when the special issues associated with nuclear projects were not part of the consideration. It is considering producing a single transboundary screening which could then be drawn off into different formats/documents as necessary. The Inspectorate advised that, in line with the requirements of regulation 32 of the Infrastructure Planning (Environmental Impact Assessment) Regulations, the Inspectorate's transboundary screening only considers the effects of the DCO. Processes for consenting and permitting are separate and it was important to avoid confusion by bringing in issues such as the safety case which are not part of the DCO considerations. The Inspectorate advised that any change in the approach to transboundary consultations, for nuclear projects would be fed back at future meetings.

Update from PINs

The Inspectorate advised that it was looking at whether some beneficial elements of virtual examination and consultation could be usefully taken forward post Covid-19 restrictions. New legislation had come into force on 31 December 2020. This made permanent the temporary provisions put in place earlier in the year. Hard copy consultation documents were no longer required to be placed on deposit in the vicinity of the project, but their publication on a dedicated website with dedicated telephone line for queries was required. The Inspectorate drew attention to the commitment in the Energy White Paper to review the suite of Energy National Policy Statements (NPS). The Inspectorate also advised that DEFRA had published a policy paper on changes to the Habitat Regulations in light of the United Kingdom departure from the EU. These will have implications on assessments and consenting more generally.

Next meeting

All parties agreed a quarterly meeting, with the next scheduled for April/May would allow for more understanding of the impact of the new financial year and direction of travel.

AOB

The Applicant advised it had submitted a response to the Inspectorate's consultation on the A12 widening scheme Scoping Opinion. It anticipated being involved in the cumulative assessment for this scheme due to overlapping receptors.

Specific decisions/ follow-up required?

The following actions were agreed:

- The Inspectorate would make arrangements for the next project update meeting.
- The Applicant would provide any further requests for clarification on the Scoping Opinion in writing.
- The Applicant would provide updated contact information for the project webpage (this has now been done).