

## **P-05-1003 Demand an EIA now on the dumping of radioactively contaminated mud in Welsh waters, Correspondence - Petitioner to Committee: Additional petitioner comments - Petitioner email to Natural Resources Wales, 08.09.20**

Dear Dr. Dodds et al,

I ask you to address the points detailed below with some urgency.

Thank you again for your reply of 30 July, explaining that you will be applying the Marine Works (EIA) Regulations (2017) to consider whether the dumping of the Hinkley sediments requires EIA.

1. Have you already advised the company that the project would be considered as a change/extension to the Schedule 1 project to construct a nuclear power station (Sch. A1:3)? If not, what alternative category in the Marine Works (EIA) Regulations 2017 is open to you? The point enters under Schedule 2 1(2).
2. Could we ask for the EIA-screening application to be publicly available, in line with Planning Authority practice, including Planning Inspectorate Wales under regulations on 'developments of national significance'?
3. Could you specify the "consultation bodies" under the Regs. (ie. LPAs and other relevant authorities and consenting authorities, nature conservation bodies, and such other bodies likely to have an interest), in particular would you include the VoG, Cardiff and Newport Councils, since the mobile mud lands up primarily on their shores and estuaries?
4. Would you accept Geiger Bay as a "consultation body" in view of our access to expert knowledge of the unique marine and nuclear issues?
5. As regards consulting under Schedule 2 4(1) before making the screening decision, does the NRW have guidance on selecting appropriate consultation bodies, or is it just open to the MCU to make a judgement? We would naturally wish to be judged "appropriate".

Due to the lack of transparency and engagement, we are left to assume that advice from the Environment Agency contains a number of scientific errors. NRW admitted on page 58 of the Marine Licensing report *Pre-application Advice And Public Consultation Responses* that 'Gamma spectroscopy cannot measure Pu isotopes with confidence'.

In my correspondence with Lesley Griffiths, Minister for Environment the reply from 18 August 2020 stated: 'Furthermore, no microparticles containing high levels of radioactivity were found in the sediment using gamma-ray spectroscopy' provides no reassurance that NRW are taking a sufficiently critical approach to advice from EA experts.

In addition, the letter stated: '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 identified'.

I draw your attention to the attached graph. The red line shows the alpha emissions from plutonium microparticles (all less than 5 microns diameter due to the size of the cooling pond filters) in the liquid discharges from Hinkley Point A. This plutonium alpha data is from NRPB-M173 and shows a 'spike' in alpha emissions from the plutonium microparticles discharged in 1982 larger than that in 1969 when the cooling pond accidents occurred. The dashed blue line shows the gamma emitter data (from *MAFF Radioactivity in Surface and Coastal Waters of The British Isles 1967-1995*). Notice there is no evidence for any spike in the gamma-emitter data. The EA advice concerning the main source of hot particles in the sediment is completely incorrect. All the plutonium discharged into the sediments over the operating lifetime of Hinkley Point A was in the form of particles less than 5 microns in size. They have no gamma signal; they have been observed to be blown back on land in sea-spray at Sellafield and are small enough to be inhaled.

This in itself adds to the ever-growing list of uncertainties that must be addressed in accordance with the Environment (Wales) Act 2016. Anything else can only be seen as dereliction of duty, a violation of procedures and complicity in that it is illegal and, therefore, a criminal act.

The Expert Committee appointed to examine the issues has been less than transparent and this gives us no confidence. Welsh government, NRW and the Future Generations Commissioner must act for the wellbeing of Wales and its people.

We request that you ask the EA the following questions with urgency:

1. Please supply the results of all direct alpha measurements on the Hinkley Point site, in discharges from the A and B reactors, on the beaches or in sediments from 1965 to date.
2. Did the plutonium alpha measurements in NRPB-M173 continue after 1984? If so, please supply the results. If not, please explain why not.
3. Have any investigations been made to identify microparticles containing plutonium on the Hinkley Point site, in the discharges from the A and B reactors, on the beaches or in sediments using techniques such as those used in the case of Sellafield discharges referenced here, or by other methods? If so, please supply the results. If not, please explain why not in view of the plutonium signal in waste discharges in NRPB-M173. ("Studies of Environmental Radioactivity in Cumbria Part 5: The Magnitude and Mechanisms of Enrichment of Sea Spray with Actinides in West Cumbria" J.D. Eakins et al'. UKAEA: AERE HARWELL. March 1982, "Plutonium in Intertidal Coastal and Estuarine Sediments in the Northern Irish Sea", S.R.Aston, D.J.Assinder & M.Kelly, *Estuarine, Coastal and Shelf Science* (1985),**20**, 761-771)
4. When EA prosecuted Magnox Ltd in 2001 for 'poor maintenance of effluent filters at Hinkley Point A (and Bradwell) in June 2001' (*Pre-application Advice and Public Consultation Responses*, page 57) did this have any connection with either plutonium discharges or the size of the particulates allowed through the filters?

Finally we respectfully request a ZOOM conference with the NRW Marine Licensing team to discuss these and other matters pertaining to our concern over the scope, methodology and health risks associated with the alpha testing. This could also be a preparatory meeting for a subsequent ZOOM conference involving NRW, EA, EDF and our expert team.

It appears that, unlike in normal planning EIAs, the Welsh government does not play a role as statutory consultee, being not the 'appropriate authority' but a 'relevant authority' *'where a regulated activity is likely to have a significant effect on the environment of Wales'*.

Could you clarify if the Welsh government is a 'consultation body' as the EIA Regs say 'consultation bodies' include 'any relevant authority' and 'any consenting authority' but NRW say they consult only with *'external consultation bodies, which may include the Centre for Environment, Fisheries and Aquaculture Science (Cefas) and the relevant Local Planning Authority'*.

The regulations say 'the local planning authority' is one of the EIA consultation bodies. Would the Vale of Glamorgan, Cardiff and Newport Councils all be relevant LPAs for the Hinkley mud dumping?

It has been explained to us that the Marine Licensing Team decides on whether the project triggers the need for an EIA and that the team consults with its experts on the scope of the EIA. Could you please supply a copy of the source for this summary of the application of the Marine Works EIA Regulations?

As we have illustrated the new evidence must inform Welsh Government and highlights an opportunity for them to reverse the decisions made in the period 2014-2018 when the first license was granted. This is not a face saving exercise but it is about safeguarding Wales, its people and environment. We believe the Welsh government's Covid-19 strategy demonstrates how effective it can be when implementing Welsh law and policy for the well-being of Wales rather than following Westminster's flawed advice and advisory bodies. We have the means and the science on our side so that the uncertainties can and must be dealt with by WG because the history of dialogue shows Westminster and its committee COMARE are evading their responsibilities.

Let the precautionary principle guide us, let us not break our own laws.

Yours sincerely,

Cian Ciarán on behalf of Geiger Bay.