

P-05-1003: Demand an EIA now on the dumping of radioactively contaminated mud in Welsh waters, Correspondence - Natural Resources Wales to Chair, 03.08.20



Sent by e-mail

3 August 2020

Our ref: SN/ME/CX20-153/5075-030820

Your ref:

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Dear Janet,

Thank you for your letter regarding Petition 'P-05-1003 Demand an EIA now on the dumping of radioactively contaminated mud in Welsh waters'. This has been passed to me for response by Claire Pillman.

In administering and determining marine licence applications on behalf of the Welsh Ministers, Natural Resources Wales (NRW) carries out thorough assessments on all applications in line with the Marine and Coastal Access Act 2009 and, when applicable, the Marine Works (Environmental Impact Assessment) Regulations 2007, Conservation of Habitats and Species Regulations 2017 and Conservation of Offshore Habitats and Species Regulations 2017. It is, therefore, important to recognise that applications that do not require an EIA are still subject to a robust assessment based on evidence and expert advice, that enables full consideration of potential impacts to the marine environment, other seas users and human health.

With reference to the petition; NRW is not currently in receipt of a marine licence application from EDF Energy regarding future disposal of dredged material from the Bristol Channel into an established designated disposal site (Cardiff Grounds) off the coast of Cardiff, South Wales.

It is our current understanding that EDF Energy will be shortly submitting an EIA Screening Opinion request to us (please note that this is not an application). The timeframes for such a submission are, however, at the applicant's discretion. Once received, we will assess EDF's Scoping Opinion request in line with the Marine Works (EIA) Regulations 2017 and consider whether the disposal activity requires an Environmental Impact Assessment. Once we have provided a Screening Opinion to EDF Energy, we will publish the applicant's request and our decision (the Screening Opinion) on our public register. This will inform EDF Energy's marine licence application that we anticipate that will receive later in the year.

In respect of the additional information provided by the petitioner regarding what an EIA should consider, as stated above, NRW in exercising its licensing functions on behalf of Welsh Ministers, will consider the requirements of the Marine Works (EIA) Regulations 2017. We would offer the following comments in relation to elements of the petition:

- *"Detailed baseline data on the behaviour and fate of material dumped at Cardiff Grounds":*

This is beyond the scope of the Marine Works (EIA) Regulations 2017 and Marine and Coastal Access Act 2009.

Cardiff Grounds is a sustainable disposal site that has been in operation since the 1980's. There are three marine licences that currently enable the disposal of dredged material at the site from South Wales ports/harbours to maintain safe navigational routes and this occurs on a regular

basis. Our position is based upon the current evidence available to us, that includes regular disposal returns provided by licence holders, and a research report produced by Cefas for the Welsh Government entitled “Welsh Disposal Site Review C6268U” (March 2020). This states material deposited at the site is dispersive in nature as the Severn Estuary is naturally highly dynamic.

- *“Full radiological analysis including detection of alpha-emitting particles”:*

On 10 June 2020, NRW provided [pre-application advice](#) to EDF Energy on its proposed sampling plan. Our advice contained 17 recommendations that will ensure the sampling plan explains how the requirements of internationally agreed guidance and sampling procedures will be achieved. EDF Energy will need to address all recommendations before submitting its final sampling plan to NRW for our approval. It is our understanding that this will be submitted to us in August 2020.

- *“A detailed and up-to-date assessment of potential radiological impacts on the population of south Wales”:*

As detailed in our pre-application advice this is beyond the remit of NRW and is out of scope of Marine Works (EIA) Regulations 2017 and Marine and Coastal Access Act 2009. Our determination process will ensure that we only issue licences for material that is safe for disposal following a thorough assessment of the evidence that supports the application.

- *“Containing nuclear pollutants on land rather than dispersing them at Sea”:*

As stated above our determination process will ensure that we only issue licences for material that is safe for disposal following a thorough assessment of the evidence that supports the application.

- *“Respecting international agreements on marine dumping”:*

The licensing of disposal operations in Welsh waters is undertaken in accordance with accepted international guidance and standards, including the OSPAR Convention and the International Atomic Energy Agency (IAEA). OSPAR guidance of the management of dredge material at sea addresses physical, chemical and biological characterisation of sediment. For radiological assessments, this follows procedures developed by the IAEA in line with the London Convention of 2003, 2004, 2015.

Further information is available from our pre-application advice document:

<https://publicregister.naturalresources.wales/Search/Download?RecordId=32304>

- *“Protecting the Severn Estuary”:*

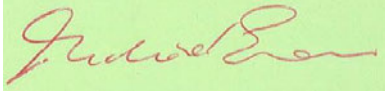
NRW complies with domestic and international law when exercising its licensing functions. All marine licence applications are determined in accordance with the Marine and Coastal Access Act 2009 and, when applicable, the Marine Works (Environmental Impact Assessment) Regulations 2007, the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Habitats and Species Regulations 2017.

Our determination process will ensure that we only issue licences for material that is safe for disposal following a thorough assessment of the evidence that supports the application. A marine licence application within the Severn Estuary would also require a Habitats Regulations Assessment to be undertaken in respect of the Severn Estuary European Marine Site (Special Area of Conservation and Special Protection Area) to ensure there is no adverse impact to its features.

We are happy to liaise with Petitions Committee as this matter progresses. We also maintain a position statement of the latest information via the following dedicated webpage:

<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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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

<https://cyfoethnaturiolcymru.sharepoint.com/teams/manbus/ManagingRegionsAndGroups/ops-scm/Correspondence LTD/AM's & MP's/2020/5075 Janet Finch-Saunders MS - Dumping of radioactively contaminated mud in Welsh waters .doc>

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