

REPORT NUMBER WSC 129/10
 PRESENTED BY ANDREW GOODCHILD, PLANNING MANAGER
 DATE 23 SEPTEMBER 2010

CONSULTATION RESPONSE TO EDF’S STAGE 2 CONSULTATION ON PREFERRED PROPOSALS FOR A PROPOSED NUCLEAR DEVELOPMENT AT HINKLEY POINT C

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to seek Member endorsement of the working draft of this Council’s response to EDF’s Stage 2 consultation on preferred proposals for proposed nuclear development at Hinkley Point C – presented at Appendix A.

2. RECOMMENDATIONS

- 2.1. That Council endorse the working draft of the Council’s response, presented at Appendix A, and that delegated powers be granted to the Planning Manager to refine the Stage 2 response following legal input.
- 2.2. That the Council and its partners, working collaboratively with EDF prior to their submission of an application to the Infrastructure Planning Commission (IPC), resolve the evidence gaps and develop the alternative strategy outlined in this report, which will include transparent consultation with the community.

3. RISK ASSESSMENT

Risk Matrix

Description	Likelihood	Impact	Overall
That the views of the District Council, in its role as Community Leaders, are not adequately set out to EDF during the consultation period for Stage 2. <i>That the Council responds by the 4th October in accordance with the recommendations set out in this report.</i>	1	4	4

<p>Insufficient technical supporting information supplied by EDF in Stage 2 material to support preferred proposals set out in Stage 2 Consultation leading to a lack of understanding / justification for the proposals and the inability of Councils and particularly the Community in understanding the true impact of the proposals.</p> <p><i>Letter of concern drafted by Councils to EDF outlining concern and requesting meeting to formally discuss the quality of the Stage 2 Consultation material.</i></p>	4	4	16
<p>Authorities are given insufficient time to fully evaluate and comment on the Stage 2 proposals such that these proposals are not consistent with policy and/or vision.</p> <p><i>Chief Executive Officers and Leaders issued request for extension to EDF. This request was turned down by EDF.</i></p>	4	4	16
<p>That the widest possible range of the Community have not been able to access the information, are not aware of the proposals and have not been able to express their views during the Stage 2 consultation.</p> <p><i>The Council's Community Support and Engagement programme is designed to assist as residents, groups of residents and Town and Parish Councils within the community in accessing the information available, aware of the proposals and are able to express their views.</i></p>	2	4	8
<p>That EDF fail to address local impacts through comprehensive mitigation and compensation.</p> <p><i>The Council responds to the Stage 2 consultation, works collaboratively with its partners between the end of the Stage 2 consultation and the submission of the application to the IPC, submits a full and robust response to the IPC when submitting its response on whether or not the consultation process has been adequate, submits a full and robust Local Impact Report and finally represents the Council during the examination of the application by the IPC.</i></p>	2	4	8

The scoring of the risks identified in the above table has been based on the scoring matrix below.

Risk Scoring Matrix

Likelihood (Probability)	4	Almost Certain	Medium (4)	High (8)	High (12)	High (16)
	3	Likely	Medium (3)	Medium (6)	High (9)	High (12)
	2	Possible	Low (2)	Medium (4)	Medium (6)	High (8)
	1	Unlikely	Low (1)	Low (2)	Medium (3)	Medium (4)
			1	2	3	4
			Minor	Moderate	Major	Catastrophic
			Impact (Consequences)			

- Low risks do not require inclusion on a Risk Register.
- Risks that could adversely impact upon the achievement of two or more of the Council's priorities and that score 'medium' or 'high' on the risk scoring matrix should be classified as Corporate Strategic Risks, and entered on the register.
- Service-specific risks that score 'medium' or 'high' must be included in the service group risk register, which should be incorporated in the relevant service plan.

4. BACKGROUND INFORMATION

The Consultation Process

- 4.1.** EDF Energy is undertaking its pre-application consultation activities in two formal stages to inform a Development Consent Order application to be submitted to the IPC, currently to be submitted in "Winter 2010/2011".
- 4.2.** The first stage consultation set out EDF's initial proposals, including options, and these were set out in a report entitled "Consultation on Initial Proposals and Options – November 2009". The stage 1 consultation involved local exhibitions, newsletters, briefing meetings and a website allowing members of the public to submit their views on the proposals set out in a summary document. The first stage ran from the 16th November 2009 to 11th January 2010. EDF stated that feedback on the initial proposals would help to inform a second stage of consultation (which was due to run from mid March 2010 to early May 2010) where they intended to set out more detailed proposals for development.
- 4.3.** This Council responded to the Stage 1 consultation on 22nd January 2010 following a Special Council meeting held on the 20th January 2010 – the delay in meeting was due to adverse weather conditions and EDF confirmed that they would accept a late submission from the Council in the circumstances.
- 4.4.** The second stage of EDF's consultation programme started on 9th July 2010 and it runs to 4th October 2010. The consultation also involves a number of local exhibitions, newsletters, briefing meetings and a website. Members will be aware that the consultation material extends to over 9,500 pages. Hard copies of the material have been available at the exhibitions and at the Council Offices throughout the consultation period, as well as at local libraries. EDF have distributed electronic copies of the material to Councillors and members of the public upon request.
- 4.5.** Members will be aware that Scrutiny Committee considered a report on the adequacy of the consultation on 13th September 2010, including the community support events run by the District Councils, in conjunction with the Community Council for Somerset. Commentary on the adequacy of consultation is included in Appendix A to this report for completeness.

Context of the Consultation and the Council's response

- 4.6.** Members will be aware that the Planning Act 2008 imposes a duty on promoters of Nationally Significant Infrastructure Projects (NSIPs) to consult those who would be directly affected by the proposed development, people living in the vicinity of land proposed for development, the general public, local authorities and a range of other statutory consultees before submitting an application to the IPC for a development consent order. The IPC has a right to refuse to accept the application, if it believes the promoter has not conducted the pre-application consultation properly.
- 4.7.** Members will also be aware of the role of National Policy Statements (NPSs) in the decision making process. National Policy Statements will provide the main policy context for the IPC. The six published NPSs (including EN-6 Nuclear Power Generation) remain in draft form and the Government is expected to announce a further period of consultation on the NPSs in the near future.

- 4.8. The Planning Act 2008 requires that the IPC must decide an application in accordance with the relevant NPSs except to the extent it is satisfied that do so would *inter alia* 'result in adverse impacts of the development outweighing the benefits'. However, this also needs to be set in the context that the draft Nuclear NPS also highlights that:

When considering an application to construct a new nuclear power station by a date significantly earlier than the end of 2025, significant weight should be given to the benefit of displacing CO2 emissions that would result from that application receiving development consent

- 4.9. Finally of importance in the context of this report the draft NPS also comments -

In looking for evidence that a site is capable of development significantly earlier than the end of 2025 the IPC should, amongst other things, expect the applicant to submit evidence of local engagement, pre-application work and agreements for grid connection with National Grid for the significantly earlier date.

- 4.10. Overall, in terms of context it is acknowledged that of all the ten sites identified as suitable in the draft NPS, Hinkley Point appears (at this stage) to be the only site capable of generating electricity by 2018 which is the clear Government expectation. This report, and the Appendix attached, need therefore, to be read in the context that, should the Council not be content with the plans presented by EDF, it must demonstrate that the adverse impacts of the development outweigh benefits - bearing in mind that weight that the IPC must give to an early New Nuclear project delivering energy to the grid.

Member Engagement

- 4.11. Given the huge importance of this issues set out in this report and the Appendix attached, the process of Member Engagement has been particularly important between the 9th July 2010 and the close of the consultation on 4th October 2010.

- 4.12. Members will be aware that the Council formed the Hinkley Point C Corporate Working Group in June to allow Members and key officers to debate issues related to the proposed development at Hinkley Point. At the first meeting of the Corporate Working Group on 17 June 2010, Members discussed a proposed timetable for Member involvement in developing the Council's response to the Stage 2 consultation. It was recommended that all Member briefing sessions were arranged to ensure that all Members were given the opportunity to participate in the discussion.

- 4.13. The following timetable of meetings was put together and published:

Hinkley Point C Corporate Working Group - Presentation of technical summaries of Stage 2 proposals and initial Member reaction (All Members)

Tuesday 27th July

10am - 1pm

Council Chamber

Hinkley Point C Corporate Working Group - Follow on / Further reaction from Members on Stage 2 proposals (All Members)

Monday 9th August

9am - 1pm

Council Chamber

Scrutiny Committee

Monday 6th September

4:30pm

Scrutiny of EDF's consultation process & WSC's response to the consultation process

Special Cabinet
Thursday 9th September
6pm
Cabinet approval of Draft Stage 2 response inc. Exec Summary

Special Council
Thursday 23rd September
6pm
Full Council approval of Stage 2 response inc. Exec Summary

- 4.14. At Council in July 2010 concern was expressed by some Members that the all Member Briefings were planned to take place during the day and that not all Members were able to attend. Following this comment and the revised date for the Scrutiny Committee the following sessions were arranged:

Hinkley Point C Corporate Working Group - Follow on / Further reaction from Members on Stage 2 proposals (All Members)
Monday 9th August
6pm
Council Chamber

Scrutiny Committee
Monday 13th September
4:30pm
Scrutiny of EDF's consultation process & WSC's response to the consultation process

- 4.15. At the All Member briefing on 9th August 2010 it was requested that a briefing paper on accommodation was presented to a further all Member briefing session. A briefing paper was produced and a third all Member session was arranged on 19th August 2010 at 6pm.
- 4.16. On 12th August, an All Member event for All Members from West Somerset, Sedgemoor District and Somerset County Councils was held in Bridgwater. Members received presentations on key subjects and held round table discussions with feedback to the wider group to help Members from the three Councils understand each others perspectives and help to communicate the issues as they see them.
- 4.17. Finally, Members may also be aware that the Somerset Nuclear Energy Group (SNEG) received a presentation on the high level issues within Stage 2 on 29th June 2010 and have met twice during the consultation period to discuss key issues.
- 4.18. All of the Members events and meetings have helped to shape the response set out in Appendix A.

Status of the Stage 2 Response

- 4.19. Given the extraordinarily short timescales for responding to EDF's consultation and the process for Member involvement, and formal endorsement, the Stage 2 response – set out in Appendix A – is a working draft and is subject to change. There are areas which require further refinement from a technical perspective and key officers, leading the Council's responses, need to ensure complete consistency throughout the document – whilst every effort has been made, this cannot be guaranteed at the point of publishing the agenda for the Council Meeting on 23rd September 2010.
- 4.20. As many Members are aware, the Councils have jointly instructed a leading QC to assist and advise on matters relating to Hinkley Point. The recommendation, that delegated powers are granted to the Planning Manager to finalise the Stage 2 response, is largely so that any comments received from the QC can be fed into the response prior to the 4th

October 2010 deadline for submission. The substance and messaging contained within the report presented at Appendix A will not change.

4.21. The following is a summary of the key issues arising from the proposals for the Council:

- The lack of detail presented within the consultation material is unacceptable.
- On and off site proposals not supported by a robust transport and accommodation strategy.
- Limited evidence that site layouts and the location and design of buildings are informed by an analysis of the character, function and long term vision for the area in which they are located.
- Concern over concentration of workers on the site and in one area of Bridgwater, limited prospect for re-use of buildings to provide permanent housing or community facilities, a financially and environmentally wasteful approach.
- Poor impact definition on market and private rented sector housing – no details on how this will be mitigated.
- Poor impact definition on the tourism sector both in terms of accommodation and the impact of an influx of workers combined with the impact of a large scale construction project in a rural area.
- The accuracy and completeness of the baseline evaluation for environmental characteristics is poor and prevents a full response being provided.
- Incorrect and sometimes superseded methodologies have been used to assess impact.
- Conclusions on significance of the impact of the development are not reflective of the seriousness of the issues nor related to the significance criteria.
- There is a lack of evidence underpinning the conclusions reached.
- Impacts are referred to as acceptable simply to their temporary nature.
- There is a lack of commitment to implementing mitigation measures when there is clear evidence of impact.
- Poor cumulative effects characterisation either within the project elements or for other notable projects within the area.
- Very poor standard of transport appraisal, no possibility for the authorities to assess the true impact of the development at peak times or in specific locations.
- Very serious concerns about the timeline for preliminary works and the lack of the improvements to Comwich Wharf, the provision of the Cannington Bypass and the provision of the temporary aggregates jetty.
- EDF have demonstrated a lack of understanding of the character of the area with their proposals for routing buses through Stogursey.
- References throughout the document to strategies which EDF intend to develop but a complete lack of detail i.e. a Construction and Operations Workforce Development Strategy.
- The scope in relation to broad health issues is far too narrow and simply focuses on workers not on the communities affected by the proposals.
- Completely inadequate provision for mitigation to facilitate the development.
- Completely inadequate provision of development which provides and meaningful and lasting legacy.
- Completely inadequate delivery of a compensation scheme to mitigate against the harm which the development will cause.
- Concern about the elements of the project where the Stage 2 consultation has been the one and only chance for input.

4.22. Overall, it is considered that the material presented and in particular the justification for the proposals set out in the Stage 2 consultation are wholly inadequate and, while the national need set out in the draft NPSs is acknowledged, as well as the benefit that the Government see in the early delivery of New Nuclear power at Hinkley Point, the proposals, as they stand at present, result in the adverse impacts of the development outweighing any benefits for the local community.

Developing an Alternative Strategy

- 4.23.** As set out above, there are significant concerns with the material presented at Stage 2. However, it is important to note that this is potentially the final opportunity for this Council to set out its position prior to the submission of an application to the IPC. Given the weight of national need set out in the draft National Policy Statement for Nuclear Power Generation it is considered important to promote an alternative strategy, set out within Chapter 18 of the attached response, which assists in achieving the Council's Corporate Priorities, delivers the objectives set out in the vision statements for legacy, agreed between the Councils and EDF, while at the same time delivering the necessary infrastructure to deliver EDF's power station proposals on site.
- 4.24.** The alternative strategy presented seeks to deliver specifically in relation to Corporate Objectives 2, 3 and 7 that are set out below -

Objective 2: To ensure adequate mitigation for any negative impact on the local housing market from accommodating workers involved in the construction of Hinkley Point.

Objective 3: To maximise the legacy benefit to local people of any new housing built or existing housing utilised during the Hinkley construction.

Objective 7: To maximise the sustainable job and skills training opportunities together with the prospects for economic development that will be created as a result of the construction and operation of Hinkley Point.

- 4.25.** These objectives are aligned with the vision statements for legacy agreed between the Councils which are as follows:

Housing (accommodation)

To ensure that the Hinkley C development provides housing solutions that enable workers and their families to integrate into the community and are economically active at a local level, whilst making a positive contribution to the Council's Housing Strategies and their wider strategic planning objectives.

Economic Development

To ensure that the Hinkley development acts as a key driver for the achievement of a more dynamic, entrepreneurial, inclusive and sustainable economy in Somerset and the wider region

Low Carbon Economy

To develop Somerset as a centre of excellence for a low carbon economy, with a strong business and educational reputation for low carbon and environmental technologies.

Education and Skills

To ensure the Hinkley C development maximises employment and skills opportunities for local people, whilst inspiring young people to achieve and seek to follow careers in the science, technology, engineering and manufacturing sectors.

Community Well-Being

To generate community cohesion and support the delivery of strategic objectives by implementing a comprehensive scheme of community well-being and safety measures, that

take account of the needs of the communities of West Somerset, Sedgemoor and Somerset as a whole, as well as the needs and impacts of the Hinkley C workforce.

- 4.26.** In order to achieve the objectives and work towards the visions set out above, it is considered necessary for the Council to work with its partners and EDF between now and the submission of an application to the IPC.
- 4.27.** Therefore, it is proposed that the Council continues to work collaboratively with EDF to resolve the evidence gaps and consider options available to develop an alternative strategy. This alternative approach fits with the Council's' community leadership, planning and regulatory roles to ensure that the needs and concerns of local people are addressed in the proposals coming forward. Given the key issues and risks from the Council's assessment of EDF's Stage 2 consultation, priority will be given to accommodation, economic development, transport impacts, and mitigation. Work will be undertaken without prejudice and with embedded legal advice.
- 4.28.** Given the many and understandable concerns expressed by the local community, it is important that the development of an alternative strategy is undertaken with meaningful, positive and transparent consultation with the community. Therefore any amended or new proposals must involve consultation which in turn, will seek to minimize the potential for legal challenge in the longer term, will enable refinement and will ensure the highest standards of design and sustainable development are met. The recommendation at 2.2 seeks Member endorsement of the approach set out above, as well as the alternative strategy set out in Chapter 18 of Appendix A.

5. FINANCIAL/RESOURCE IMPLICATIONS

- 5.1.** The EDF Consultation proposals place a significant impact on the resources of the Council.
- 5.2.** This has been mitigated by entering into a Planning Performance Agreement with the developer (EDF Energy) and other local authorities (Somerset County Council and Sedgemoor District Council).
- 5.3.** While the Planning Performance Agreement provides a means of mitigating this impact, it is noted with regret that requests to Central Government to provide funds directly to support were declined and this would have been the Council's preferred method.
- 5.4.** A key issue for the authority will be the projected impact of labour into the locality and the pressure this will place on already limited budgets and constrained services. Particular concerns centre on escalating costs for –
- Legal and procurement services
 - Economic development services
 - Housing
 - Leisure and recreational services
 - Health services
 - Tourism services
 - Translation services
 - Community safety
 - Environmental Health
- 5.5.** It is therefore important that a full assessment is made of the financial risks and implications of the project on the Council, as part of the Medium Term Financial Plan process, and that EDF are required to further develop the Planning Performance Agreement or establish Service Level Agreements with key departments to fund services required to support the project, support the incoming workforce or to mitigate against impacts.

6. SECTION 151 OFFICER COMMENTS

- 6.1. Where possible the Council will seek mitigation of the above extra costs through application of charging policy, planning guidance and direct revenue funding. However, with increased population and business activity in the area, it is inevitable that additional pressure will be felt by the authority within its already stretched resources.

7. EQUALITY & DIVERSITY IMPLICATIONS

- 7.1. There are no direct impacts as a result of this report. However, as part of the wider project, EDF will need to assess the equality and diversity implications of their proposal and the Council's will need to review, challenge, and comment on the adequacy of how potential issues are financed, managed and dealt with promptly at no additional cost to the Council.
- 7.2. A report on the success of EDF's engagement with 'hard to reach groups' will be presented to the Scrutiny Committee in due course, following the close of the Stage 2 consultation.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1. There are no direct impacts as a result of this report. However, as part of the wider project, EDF will need to assess the community safety implications of their proposal and the Councils will need to review, challenge, and comment on the adequacy of how potential issues are financed, managed and dealt with promptly at no additional cost to the Council.

9. CONSULTATION IMPLICATIONS

- 9.1. The responsibility of consulting both statutory consultees and the general public rests with the developers under the new Planning Act (in this case EDF). EDF have submitted a Statement of Community Consultation document to the IPC detailing how they will go about this process and the Scrutiny Committee discussed this in depth. However, given the significance of the proposals on our community, it is right and proper for the Council to supplement that process and support the community through this new and challenging process. Various pieces of work are underway to do this and ultimately the Council will report on the adequacy of the promoter's consultation within its Local Impact Report

10. ASSET MANAGEMENT IMPLICATIONS

- 10.1. There are no direct impacts as a result of this report. However, as part of the wider project, EDF will need to assess how any legacy uses will be transferred and operated and the Councils will need to review, challenge, and comment on the adequacy of how potential issues are financed, managed and dealt with promptly at no additional cost to the Council.

11. ENVIRONMENTAL IMPACT IMPLICATIONS

- 11.1. The environmental impacts of the proposals are outlined in the report above and more fully in the consultation response at Appendix A.

12. LEGAL IMPLICATIONS

- 12.1. The legal implications of the proposals are outlined in the report above and more fully in the consultation response at Appendix A and will be fully considered by the Council's QC.

REPORT TO THE SPECIAL MEETING OF COUNCIL TO BE HELD ON 23 SEPTEMBER 2010

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