

To Bradwell B or Not to Bradwell B? – How the Development of a New Nuclear Powerplant could Affect Wildlife on the Coast of Essex

It is all too easy to imagine Nuclear Powerplant owners like The Simpsons' Mr Burns; crooked and unethical. In the UK there is legislation and policy in place to monitor the development of new nuclear powerplants - and the Government have confirmed that they do want new nuclear powerplants – so developers are cautious to be seen to give due consideration to concerns such as protecting flora and fauna at proposed sites. In this article we will consider the implication for wildlife at a proposed powerplant site on the Essex coast, known as Bradwell B. The article concerns itself with the law and policy involved in the future of this site and will consider how features of ecological importance in and around the site will have to be monitored, should development go ahead.

The UK government has taken a long-term approach to nuclear development and has published documents such as the Nuclear Industrial Strategy which sets forth its intentions and shared commitments alongside the nuclear industry. The government wants the UK to have skills in the nuclear industry in the future and has made opportunities available for nuclear new builds and the associated economic growth. In December 2020 the Energy White Paper reiterated the Prime Minister's Ten Point Plan which includes Nuclear Power, as it 'provides a reliable source of low-carbon electricity'. The White Paper also promises funding for the development of Small Modular Reactors (SMR) which, it is hoped, may be cheaper and easier to build than large scale nuclear plant construction.

Bradwell B is not the only current site being considered for nuclear development. Other sites include Hinkley Point C in Somerset, Sizewell C in Suffolk and also the Moorside clean energy hub in Cumbria.

The Energy Act 2008 legislated for new nuclear plant operators to have secure funding in place for waste management and decommissioning. Within this Act, as well as the Planning Act 2008, we can find the legislative foundation for the governments aforementioned will to bring about new nuclear powerplants. The Planning Act requires developers of new plants to consult with the public prior to submitting an application for a Development Consent Order (DCO). The developer of the Bradwell B site - a partnership between China General Nuclear Power Group (CGN) and Électricité de France (EDF) held Stage One of their consultations between March 2020 and July 2020. The consultation was not about whether the plant will be built, nor whether it will be built at the proposed site but rather how it will be built and what considerations need to be made as it is built. Further down the line, Stage Two consultations will look at the developer's preferred proposals and its associated developments. As we are still at the first stage of consultation the views thereby expressed by concerned groups are also preliminary; they are responding to the developer's Stage One Document.

The Stage One Document pre-empted the concerns of various groups and not just those sympathetic to nature conservation. For example, it also addresses the concerns of

those with an interest in public access issues and those concerned with as-of-yet undisturbed features of archaeological interest. As well as local groups there are also statutory consultees, such as the Environment Agency, who must respond. Ultimately, Stage One gave the opportunity for groups with specialist knowledge and resources to respond to the developer's initial summary of its development plans.

In their Stage One Document the developers have expressed their intention to minimise disturbance to wintering birds which use the coastal mudflats on the Dengie Flats to the east of the site as well as their intention to maximise the availability of land for ecological enhancement, after the powerplant has been built. The RSPB has stated that it is; 'extremely concerned about the potential impact of the proposed Bradwell B nuclear power station on the wildlife of the Blackwater Estuary. The extensive areas of saltmarsh, mudflats and coastal shingle are of outstanding importance all year round [sic]'.

Stage Two of this consultation process will be crucial to pinning down how the developers intend to fulfil their obligations as responsible builders of a new powerplant. In their response to Stage One, the Environment Agency provided advice on the developer's obligations on providing an Environmental Impact Assessment, Habitats Regulations Assessment, Water Framework Directive Compliance Assessment, Flood Risk Assessments and Environmental Permits and the EA has also asked the developers to make a commitment to biodiversity net gain. As CGN and EDF work through the submissions from Stage One and produce a Stage Two Document they will need to work out how they will declare their intentions precisely so that agencies such as the EA and RSPB, who have specialist resources, can comment on how the development is likely to work in practice, in a way in which the developers can be held accountable to their plans further down the line of development. Plans for eventually decommissioning the plant in a way that does not damage nature should also not be overlooked.

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