

## **Town and Country Planning Act 1990 Appeal Under Section 78**

**Application Ref. 20/00157/FUL PP-08474837. Application to carry out ground investigations, load test and associated works in connection with proposed new Nuclear Power Station at Bradwell-on-Sea, together with the creation of two site compound areas and associated parking areas.**

***Representation by the Blackwater Against New Nuclear Group (BANNG)***

**(BANNG Paper No. 42a)**

We wish to support Maldon District Council's decision to oppose the application by the Bradwell Power Generation Co. Ltd. and, consequently, we urge that the appeal be rejected. We understand that our objections to the application as submitted will be considered at the appeal.<sup>1</sup>

Once again we reaffirm our fundamental objection to the application, 'on the primary grounds that the site is wholly unsuitable, unsustainable and unacceptable for the development of a nuclear power station and its associated spent fuel stores, cooling water infrastructure, port facilities and other ancillary structures' and we conclude that 'the intrusive, disruptive and potentially damaging ground investigations cannot be justified'.

BANNG considers that the application for ground investigations should not be treated separately from the stated purpose for which they are to be undertaken, namely a proposed new nuclear power station. That is quite clear from the title of the Application referring to 'works *in connection* with proposed New Nuclear Power Station'. We believe the investigative works, including deep drilling and load test, should be rejected on grounds of the environmental harm, nuisance and amenity damage that will affect a wide area over a substantial period. The environmental harm will be absolute and cannot be justified against any presumed benefit.

The investigative works should be refused (or at least withdrawn) since at this stage it is unclear whether a nuclear power station will be developed on the site. Since our first submission it has become even more obvious that the power station will be opposed for a whole variety of reasons which can be summed up in terms of the site being unsustainable, unnecessary, inappropriate and unacceptable. The opposition of stakeholders and public to the proposals put forward by the developer was expressed in response to its Pre-Application Stage One Public Consultation. Moreover, and most significantly, the two local authorities most directly affected by the proposals, Maldon District Council and Colchester Borough Council, have expressed their opposition to the development of a nuclear power station at the site.

It is conceivable that the proposals for the power station will be revised by the developer or, perhaps, withdrawn altogether. In any event, whether by refusal of a Development Consent Order (DCO) or by withdrawal of the proposal, there is no case

---

<sup>1</sup> See BANNG response to the planning application, BANNG Paper No. 42 and Annex, BANNG Paper No. 33)

for permitting extensive, damaging investigative works for a power station that may never exist. The disturbance and destruction will have been in vain.

While we strongly believe the appeal should be rejected on grounds that the power station for which the ground investigations are undertaken may never materialise, we consider the proposals are, in any event, premature and, therefore, any preparatory ground investigations should not be permitted to proceed at this time. They are premature for the reasons we set out below.

1. *The issue of scale.* The Bradwell site was originally assessed on the basis of one reactor. While that did not preclude more than one reactor at the site, it did mean that the differing impacts of a second station would need to be taken into account by the planning inspectorate and the regulators.<sup>2</sup> The design proposal put forward in the Stage 1 Consultation for two reactors, a hybrid cooling system including towers, long-term radioactive waste store, port facilities and ancillary infrastructures is immense - far bigger than was anticipated and is likely, following overwhelming objections, to be scaled down for the next consultation. In any event, the land investigations should relate to the scale and footprint of the plant to avoid unnecessary environmental harm. The investigative works should reflect the proposed scale and design of the power station and not vice-versa. The design is only in outline and a more detailed design will be needed to give any impression of the likely need for and extent of the investigations. **In the absence of a detailed design for the power station the proposal for land investigations is premature and so the appeal should be refused.**

2. *The status of the site.* The site was put forward by Government in NPS EN-6 in 2009 as 'potentially suitable' for the deployment of a new nuclear power station by 2025. Clearly, the power station has no chance of meeting that requirement. The NPS is under review and, while it is likely Bradwell will be redesignated as a potentially suitable site for deployment before 2035, this is not guaranteed. BRB acknowledge that 'the choice of Bradwell as a potentially suitable site is a matter for Government'<sup>3</sup>. Exactly so, and it would, therefore, be premature to permit land investigations in advance of the site being redesignated.

3. *The question of need.* The need for the new nuclear power station must also be re-established before site investigations are permitted. As the developer states, the principle of the need is also a matter for Government. Bradwell was originally designated when the Government claimed that 'it is essential that this NPS has sufficient sites to allow nuclear to contribute as much as possible towards meeting the need for 25GW of new capacity'<sup>4</sup>. That was in 2009 and, as it stands, only one site, Hinkley Point C, is likely to be operating within the next decade. Indeed, of the eight sites designated, only two, Bradwell and Sizewell, are currently going through the various stages of decision making prior to deployment. Government is shortly to publish an Energy White Paper which will set out its ambitions for nuclear in the energy mix. Some indication of a much reduced fleet of 'big' GW nuclear is clear

---

<sup>2</sup> NPS EN-6, 2009, p.46

<sup>3</sup> Bradwell B Stage One – Consultation Summary document, p.4

<sup>4</sup> NPS EN-6, 2009, p.13

from the 10 Point Plan for a Green Industrial Revolution published on November 18.<sup>5</sup> There is no reason to conclude that Bradwell B will be seen as making ‘a vital contribution to the UK’s future need for low carbon, secure and affordable energy’<sup>6</sup> as proclaimed by the developer’s comments in the Stage 1 Consultation Document. **It is, therefore, premature to allow the environmental degradation of land investigations to pave the way for a project that may no longer be deemed essential.**

4. *The question of acceptability.* The proposal for land investigations has prompted a change of Maldon District Council’s position from support in principle for a new nuclear power station to rejection of new nuclear development at Bradwell. The Council intends to endorse this change in its review of the Local Development Plan. This rejection of nuclear power at Bradwell underlies the Council’s refusal of the proposed land investigations which is the subject of this appeal. The Council was advised by its officers not to put their objection to the power station as a ground for refusal, though the proposals are interdependent as we have sought to show above. BANNG has no such inhibitions and firmly believes the appeal should be refused for the very reason that the land investigations will harm the environment and would inevitably pave the way for much greater environmental damage should the proposed power station ever be developed. **BANNG believes the proposals for land investigations are premature and should be rejected on the grounds that they pave the way for a power station that is not needed, is unacceptable and, in the long term, unsustainable.**

Finally, it is relevant that both Maldon District Council and Colchester Borough Council have expressed outright opposition to the proposed power station on environmental grounds since the application for land investigations was made. Colchester’s policy resolution ‘objects to new nuclear at Bradwell due to the local environmental impacts and prefers a focus on renewable energy alternatives’. Maldon Council’s policy resolution states: ‘Grave concerns are raised regarding a new nuclear power station at Bradwell-on-Sea, due to the local environmental impacts, the loss of heritage assets and ecological harm’. We consider the unequivocal opposition of these councils together with the significant public concern expressed in the Stage 1 consultation responses provide substantial reasons for refusal of this appeal.

**BANNG urges the Inspector to reject the appeal for all the reasons we have set out above.**

Prepared on behalf of the Blackwater Against New Nuclear Group (BANNG) by  
Professor Andrew Blowers, OBE,  
Chair

19 November 2020

---

<sup>5</sup> HM Government, The Ten Point Plan for a Green Industrial Revolution, November, 2020

<sup>6</sup> Bradwell B Stage One – Consultation Summary document, p.3