

SCRUTINY PANEL

27 July 2020

Present: - Councillor Barber, Councillor Bentley, Councillor Bourne, Councillor Dundas, Councillor Hayter, Councillor Hogg, Councillor McCarthy, Councillor Whitehead

Substitutions: - None.

Also present: - Councillor Cory, Councillor Goacher, Councillor Jowers, Councillor Moore.

273. Cabinet or Portfolio Holder Decisions called in for Review - Call in of Response to Bradwell B Stage One Consultation

Councillor Bentley (by reason of being a resident of Mersea Island) and Councillor Cory (by reason of having spoken at past events on behalf of ‘Blackwater Against New Nuclear Group’) declared non-pecuniary interests in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (5).

The Chairman laid out the call-in process which was being followed and the options available for the Panel, highlighting that the Panel and speakers must stay focussed upon the subject of the call-in, rather than the wider considerations relating to nuclear power generation. The Chairman gave an overview of the mediation session which had been held between the lead councillor on the call-in, Councillor John Jowers, and the Portfolio Holder for Communities, Wellbeing and Public Safety, Councillor Mike Lilley, on 22 July.

Andrew Weaver^s, Monitoring Officer, explained that the Council currently had no formal policy opposing the Bradwell B site as a potential site for future nuclear power generation.

Councillor Peter Banks, of West Mersea Town Council, addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1). Councillor Banks argued the inadequacy of the Stage 1 consultation exercise, with the Borough Council having encountered propaganda and a need to commit significant focus to responding to the Covid-19 situation. West Mersea Town Council had written to present its concerns regarding the impact of curtailing elements of the consultation exercise. It was noted that this matter would affect the whole Borough and neighbouring local authorities. Virtual engagement had been offered, but Councillor Banks argued that proper information gathering had been rendered impossible at the current time.

Councillor Banks argued that some content of the Council's consultation response was posited on the publicity material and claims put out by the Sizewell B Project, further arguing that the Council had a duty to manage area evacuation plans, in

addition to raising environmental concerns. Waste storage was proposed for within two miles of the Borough's border and Councillor Banks reasoned that the Council had a duty to submit a Colchester-centric response to the consultation.

Councillor John Akker, of West Mersea Town Council, addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1) in order to read a submitted statement by Mr Ian Clarke. Ian Clarke described his difficulty in reconciling the perceived change in response from the Council, compared to its earlier review of the subject, and argued that a failure to object could be perceived as implying acceptance of the Sizewell B proposals.

The statement referenced the recent decision, of the Maldon District Council Planning Committee, to refuse permission to an application for site investigations to be carried out and stated that the final planning decision would be taken by a Planning Inspector, rather than a local authority, citing this as a reason why Colchester Borough Council had a right to object formally.

The concern was raised that the current ONR [Office for Nuclear Regulation] evacuation protocol would not now work, especially in light of additional development on Mersea Island, and urged the Council to ensure the health and safety of residents and visitors to the area.

Councillor Akker urged the Council to withdraw its consultation response and resubmit with an unequivocal statement of opposition to the Sizewell B proposals, which would make clear the Council's view to the Planning Inspector who would then assess the future planning application for the site.

Councillor Jane Baker addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1) in order to question the urgency of the Sizewell B project, citing her perception of a power surplus being currently in evidence, and to question the need for a new power station. Councillor Baker explained the concern that the outline of a new station and the container ships serving it would mar the outlook at Bradwell.

Councillor Baker echoed concerns as to how evacuation of Mersea Island could be carried out safely, given an increase in housing.

Councillor Baker summarised concerns regarding Huawei and 5G infrastructure provisions, stating that this would have an effect on technical systems at the proposed power station, and concerns that a new power station would harm local fishing and entail concerns regarding the safety of any new systems used on the power station.

Professor Andrew Blowers addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1) to express his disappointment in the Council's submission, which he viewed as not reflecting the Council's position of the last ten years, or of conversations held by the Council or the 2010 statement on the issue by the then Scrutiny Panel. The consultation response did not present an objection to the Bradwell B concept as a whole.

Professor Blowers argued that the site was unsuitable for future nuclear power generation and that the current statement of government commitment ran only until 2025. The proposed plan was more intrusive and dominating than the previous power station and Professor Blowers detailed the structures, port facilities, earthworks and under-estuary piping that would be necessary. Professor Blowers argued that a full environmental view and impact assessment was required and offered to assist with this.

Councillor Mark Goacher attended and, with the consent of the Chairman, addressed the Panel to raise his concern that the report did not reference environmental implications for the Blackwater Estuary. In response, Councillor Mark Cory, Leader of the Council, noted that the full response did cover impacts on the environment and Blackwater Estuary.

Councillor Patricia Moore attended and, with the consent of the Chairman, addressed the Panel to ask if any revised response should be brought back for further Scrutiny, or circulated to all councillors, before being put forward for approval.

Councillor John Jowers addressed the Panel, as lead councillor on the call-in, and explained that conversations and Council discussions over the years had led members to believe that there was a Council policy to oppose any new nuclear power generation at Bradwell.

Councillor Jowers argued that, without being given the Council's political position on the matter, the officers tasked with producing the report and consultation response were given an impossible task as they were not in a position to communicate a stance on the Bradwell B proposal. Officers should not be expected to guess the Council's view without the Council first giving clear direction.

Councillor Jowers raised a number of concerns, including the fact that the Blackwater Estuary was a Marine Conservation Zone, the Maldon District Council Planning Committee decision to refuse permission for site investigations and that no overlay of the proposed structure was available for comparison to the old structure. A new structure would harm the historic Blackwater and destroy the surroundings of local heritage assets such as the historic nearby church [Chapel of St Peter-on-the-Wall].

Councillor Jowers did not consider Bradwell a potentially suitable site for a new power station and stressed that, whilst Government would take the decision, they would want to see a clear view and policy from the Council.

Councillor Mark Cory, Leader of the Council, voiced agreement with all that Councillor Jowers had said. Like many members, he had also thought that the Council had a clear policy and that it had only been after officer research was carried out before this meeting that it was found that no formal policy had been set by Council in the past. Work had been carried out in the past to contribute to the Government's SSA [Strategic Siting Assessment] consultation, giving the clear view of the Council that it opposed the siting of nuclear power production at Bradwell.

The Leader agreed with comments regarding the curtailment of face-to-face consultation due to the Covid-19 situation and argued that more such consultation would be needed once lock down restrictions had ended.

The Leader also agreed with environmental concerns raised regarding the Sizewell B site, being of the view that the Estuary was already under pressure from current and past uses. The dangers of bleaching, chlorination and release of warm waste water were highlighted as examples of dangers to the ecosystem.

The Panel were briefed that officers had unavoidably needed to focus on the response to Covid-19 and this had reduced capacity for other work, such as production of consultation responses. The Leader offered to bring a rewritten consultation response to a new extraordinary full Council meeting, alongside a motion for Council to approve, to agree a rewritten consultation response and to agree to set a clear formal policy for the Council to oppose nuclear power production at the Bradwell site. The Leader was happy to consider stronger response to the consultation and the wording of a strong formal policy opposing use of the Bradwell site, especially in light of the environmental impacts detailed in the wider report on this subject. This would make clear to any future Planning Inspector that the Council strongly opposed the Bradwell B proposals.

Ian Vipond, Strategic Director of Policy and Place, clarified that Council should look to revise and resubmit the representation, rather than withdraw and replace it. This owed to the fact that the deadline for submission had passed and new submissions would not be possible. The submission had been made by the deadline, but with the caveat that it was subject to the call-in process and that this may necessitate amendments. An undertaking had been received that the consultation would consider any amendments to the response. The Strategic Director notified the Panel that there would be future rounds of consultation, in which the Council could reinforce its view expressed.

A member of the Panel welcomed the Leader's offer of an extraordinary full Council meeting, and the wording of his proposed motion. This would allow a debate of the issue and for a firm line to be given by Council, which would be easily understood by Government. This view gained agreement from other members of the Panel, who echoed the importance of affirming a strong Council view.

The Panel considered the concerns regarding the need to have an effective evacuation plan for Mersea Island, especially in light of the scale of planning applications which had been approved for the area. One Panel member noted that the current evacuation plan dated back to 2009/10, when population density had been far lower.

A Panel member noted that only three members of the Panel had been councillors at the time this subject was last discussed and suggested that it would be useful for all members to be briefed on the findings of the task and finish group on Bradwell that had operated in the past.

The Leader suggested that the Panel refer the decision back to Portfolio Holder for Communities, Wellbeing and Public Safety, Councillor Mike Lilley, with a

recommendation that an extraordinary full Council meeting be called in order to set a formal policy to oppose the use of the Bradwell B site for nuclear power generation, and to agree the rewriting of the consultation response. The Chairman further suggested that a formal letter should be written to the Bradwell B consultation to inform them of the situation and confirm that amendment it possible.

The Panel discussed the submission of Council responses to consultations, how the call-in process was applied and whether this had led to changes in past consultation responses at any time. The Strategic Director of Policy and Place confirmed that the Council always aimed to meet consultation deadlines but could not always guaranteed that the call-in period would end before the deadline was reached. The Council was always clear to emphasise its statutory duties regarding democracy, scrutiny and transparency, as shown by the call-in process.

The Chairman asked for confirmation as to whether there would be enough time to conduct an extraordinary full Council meeting, production of a new policy and a rewritten consultation response to reflect it. The Leader of the Council explained that he would seek the necessary number of councillors to approve the request for a full Council meeting, starting with the group leaders on the Council and pledged to write to the consultation to explain the situation as a matter of urgency.

Councillor John Jowers voiced his support for the approach suggested by the Leader of the Council and welcomed the use of a full Council meeting to clarify the Council's view on proposals to use the Sizewell B site for future nuclear power generation.

The Chairman thanked the Panel, officers and visiting councillors for contributing to the call-in process and the meeting.

RESOLVED that the decision WEL-001-20 ('Response to Bradwell B Stage One Consultation'), be referred back to the Portfolio Holder for Communities, Wellbeing and Public Safety with the recommendation that the Portfolio Holder consider:-

- (a) Writing to the Bradwell B Stage 1 Consultation to inform them of the Panel's recommendations, and that an amended response will be submitted following an extraordinary meeting of the Council; and
- (b) Calling an extraordinary meeting of the Council in order for the Council to set a formal policy regarding proposals for new nuclear power generation on the Bradwell B site; and
- (c) Amending the consultation response as set out in decision WEL-001-20, to bring it into line with the new formal policy, as set at the extraordinary meeting of the Council.