

PLANNING COMMITTEE

Minutes of the Meeting held on 28 July 2011 at 10.00 am

Present:-

Councillor A F Knight	Chairman
Councillor I R Melhuish	Vice Chairman
Councillor G S Dowding	Councillor A P Hadley
Councillor B Heywood	Councillor E May
Councillor K M Mills	Councillor C Morgan
Councillor S J Pugsley	Councillor D J Sanders
Councillor L W Smith	Councillor M A Smith
Councillor A H Trollope-Bellew	Councillor K H Turner

Officers in Attendance:

Andrew Goodchild - Planning Manager West Somerset Council
James Holbrook – Planning Officer West Somerset Council
Alyn Jones – Somerset County Council
Mike O’Dowd Jones – Somerset County Council
Mark Smith – Arup on behalf of West Somerset Council
Peter Hulson – Arup on behalf of West Somerset Council
Brian Payne – Environment Agency
Committee Administrators – Helen Dobson, Krystyna Kowalewska, Sarah Wilsher
Legal Advisor (Roy Pinney – Mendip D C)
Legal Advisor (Richard Ford – Pinsent Masons LLP)

P12 Apologies for Absence

An apology for absence was received from Councillor D D Ross.

P13 Minutes

RESOLVED that the Minutes of the Planning Committee Meeting held on the 30 June 2011 - circulated with the Agenda be confirmed as a correct record.

P14 Declarations of Lobbying

Name	Min. No.	Ref. No.	Application	Persons Lobbying
All Councillors	17	3/32/10/037	Hinkley Point C	Objectors and Supporters

P15 Declarations of Interest

Name	Min. No.	Application	Nature of Interest	Action Taken
Cllr C Morgan	17	Hinkley Point C	Personal and Prejudicial – Resident of Shurton and Ward Member	Left the Chamber prior to the debate
Cllr A F Knight	17	Hinkley Point C	Personal – Son-in-laws employed at Hinkley	Spoke and voted
Cllr A H Trollope-Bellew	17	Hinkley Point C	Personal – Member of Somerset Nuclear Energy Group, Chair of AONB Joint Committee, Member of Cannington Grain	Spoke and voted
Cllr M A Smith	17	Hinkley Point C	Predetermination of application under consideration	Left the Chamber prior to the debate

P16 Public Participation

Min No.	Reference No.	Application	Name	Position
17	3/32/10/037	Hinkley Point C	David Rosser	CBI SW Region
17	3/32/10/037	Hinkley Point C	Rupert Cox	Somerset Chamber of Commerce
17	3/32/10/037	Hinkley Point C	Ken Westall	Williton Chamber of Commerce
17	3/32/10/037	Hinkley Point C	Marguerite Bowden	West Somerset Community College
17	3/32/10/037	Hinkley Point C	Fiona McMillian	Bridgwater College
17	3/32/10/037	Hinkley Point C	Gareth Weed	Combe House Hotel
17	3/32/10/037	Hinkley Point C	Charlie Thompson	Resident of Williton
17	3/32/10/037	Hinkley Point C	Hergen Haye	DECC
17	3/32/10/037	Hinkley Point C	Doug Bamsey	Sedgemoor District Council
17	3/32/10/037	Hinkley Point C	Peter Malim	Stogursey Parish Council
17	3/32/10/037	Hinkley Point C	Lesley Flash	Stogursey Parish Council
17	3/32/10/037	Hinkley Point C	Susan Jones	Stogursey Parish Council
17	3/32/10/037	Hinkley Point C	Maurice Locke	Chairman Cannington Parish Council
17	3/32/10/037	Hinkley Point C	Alan Hurford	Bridgwater Town Council
17	3/32/10/037	Hinkley Point C	Michelle Osbourn	Somerset Wildlife Trust
17	3/32/10/037	Hinkley Point C	Cllr Michael Lerry	Sedgemoor District Council
17	3/32/10/037	Hinkley Point C	Peter Farmery	West Hinkley Action Group
17	3/32/10/037	Hinkley Point C	Barbara Oates	West Hinkley Action Group
17	3/32/10/037	Hinkley Point C	Graham Howard	West Hinkley Action Group
17	3/32/10/037	Hinkley Point C	David Cross	West Hinkely Action Group
17	3/32/10/037	Hinkley Point C	Roy Pumfrey	Save Cannington Action Group
17	3/32/10/037	Hinkley Point C	Sholto Moger	Fairfield Estate
17	3/32/10/037	Hinkley Point C	Crispin Aubrey	Stop Hinkley
17	3/32/10/037	Hinkley Point C	Nikki Clarke	Stop Hinkley
17	3/32/10/037	Hinkley Point C	Helen Grant	Stop Hinkley
17	3/32/10/037	Hinkley Point C	Allan Jeffrey	Stop Hinkley

17	3/32/10/037	Hinkley Point C	Chinks Grylls	Stop Hinkley
17	3/32/10/037	Hinkley Point C	Graham Webster	Resident of Cannington
17	3/32/10/037	Hinkley Point C	Francis Fawkes	Resident of Stolford
17	3/32/10/037	Hinkley Point C	Lorna Scott	Forum 21

Presentation by Planning Officer

Andrew Goodchild, Planning Manager West Somerset Council, gave a presentation which summarised the application and areas of the report (including the errata and first and second supplementary reports), including the recommendation.

Public Speakers - Supporting the Application

David Rosser (Regional Director, CBI) spoke to the effect that nuclear energy in the UK played a critical role as part of the mix of energy generation, providing low carbon energy. A secure and low carbon energy mix is critical to regional and national business. Reasons supporting new nuclear power stations next to existing stations are the supporting infrastructure, available skills, existing training support and supply chain to support the building works. It would bring about quality employment and opportunities for local businesses.

Rupert Cox (Chief Executive, Somerset Chamber of Commerce) spoke to the effect that this application would kick-start economic support in the area at this time. It would bring much needed economic value to the construction industry. It would provide careers for young people in Somerset and a 60-year beneficial legacy. 750 Somerset businesses have expressed an interest in working with EDF on the project. Any delay would be costly to business and have a negative impact.

Ken Westall (Williton Chamber of Commerce) stated that the chamber of commerce was supportive of the project and that this project was putting West Somerset on the world stage. This was part of a new generation of highly sophisticated nuclear plant. The 'park and ride' scheme in Washford would provide an alternative to the dangerous road. It would support local traders, electricians, tree planters etc, some have started to gain work already from this application. The development would kick start the economy in Somerset.

Marguerite Bowden (West Somerset Community College) spoke to the effect that the application and the support for the Community College would deliver learning, economic development and training opportunities in many areas including business, administration and finance, landscaping, plant maintenance, civil engineering, carpentry etc, which are skilled work areas. Secondary training opportunities for local businesses include hair and beauty, nursery nurse training etc. The unique and significant training opportunities would help to encourage students to continue into Higher Education. It would be a catalyst for local businesses and would carry out a strong role in 'upskilling' adults in the community.

Fiona McMillian (Principal, Bridgwater College) spoke to the effect that the application encourages significant development and employment opportunities, apprenticeships, construction, engineering, graduate careers and service sector skills for adults through the support for Bridgwater College. Secondary training included security, tourism etc. EDF are to invest significantly in projects with the college including a construction centre at Cannington which would provide long-term legacy benefits.

Gareth Weed (Coombe House Hotel, Holford) spoke to the effect that tourism was a business in decline, currently providing work for only six months of the year. The strong decline threatened the viability of businesses in the area, making it difficult to grow a business and employ and retain staff. Approval of this application would help to grow tourism related businesses (through for

example occupation of bed spaces by project workers) and keep the businesses open for longer than the traditional tourism period, and importantly would also produce employment opportunities for those looking to work in the hospitality industry.

Charlie Thompson (employee at Hinkley Point A) spoke to the effect that this application would help to prevent many young local people moving out of the area to look for employment. Once decommissioning had been completed on the other plants at Hinkley, many workers would be forced to seek employment elsewhere in the country and the area would die without young people. Growth is needed to provide jobs so that young people stay in the area.

Public Speakers – Statutory and Other Consultees

Hergen Haye (DECC) spoke to the effect that that the decision as to whether to grant permission was one for the Council and that he would not comment on the merits of the application. He outlined government policy which includes the need for new nuclear power generation and that Dr Weightman's interim report following the nuclear incident in Japan had not changed the overall advice that new nuclear energy should be part of the energy mix going forward. The Energy National Policy Statements approved in July 2011 confirm this. The nuclear reactor design is being assessed by ONR and their 2011 Quarter 2 report confirms that there are no 'showstoppers' for the reactor design.

Doug Bamsey (Sedgemoor District Council) spoke to the effect that the works were supported by Sedgemoor DC in principle based on the NPS designation, and benefits were recognised. However, the support is conditional as there are concerns regarding high volumes of traffic, air quality, noise and other impacts. There are six outstanding matters in relation to planning obligations – extension of the noise mitigation scheme to transport routes, community impact mitigation fund annual payments, community safety shortfall in payments, economic development support, service level agreements and local carbon projects. Continued close working between all local authority parties is essential for the project.

Peter Malim (Stogursey Parish Council) spoke to the effect that he was representing those who would be most affected by the works. They are not against the nuclear power station in principle but do not believe that any other developer would be allowed to undertake initial works such as proposed by the application. EDF's nuclear new build in Flamanville, France is billions of pounds over budget and four years late and HPC investors may therefore be nervous, putting the project at risk. There is concern that without consent for whole development, the nuclear power station build may never start even though the site preparation works may have finished – the Parish Council therefore object to the principle of the site preparation works in advance of the DCO. The uncertainty for and health impacts on local people were noted.

Lesley Flash (Stogursey Parish Council) spoke to the effect that she agreed with Humphrey Cadoux-Hudson that the people of Stogursey would suffer greatly. Noise mitigation proposals were not sufficient; the way of life would change; tourists would not return; the landscape would be barren; there would be health impacts for local people; it is not reasonable to dig up the ancient landscape and it would adversely impact the whole of Somerset. She proposed that if permission were to be granted, conditions were included to ensure that noise monitoring data is made available in real time on a publicly available website.

Susan Jones (Stogursey Parish Council) spoke to the effect that a lot of people had retired to the area because of the peaceful, rural location. Work should not start until the main project had been consented. The application would adversely affect a SSSI and Shurton Bars, which is a limestone beach. The application would also affect many local small businesses. An alternative road system would help to mitigate the problems that would arise with the works. Access to the countryside would be impaired with rights of ways closed/amended and there would be an adverse effect on wildlife and economic activity dependent on the environment.

Maurice Locke (Cannington Parish Council) spoke to the effect that the majority of Cannington were not against the overall project but the reason that most were against the site preparation

application was the amount of traffic the roads would have to carry which would be too great for the network of Cannington. Paths are narrow in places; children cross roads to schools; high noise levels, air quality issues and concern that vibration effects from many large vehicles passing could affect properties. A by-pass was needed before any works were started. If consent is to be granted it should be subject to conditions for full mitigation measures for Cannington.

Alan Hurford (Bridgwater Town Council) spoke to the effect that Bridgwater Town Council were supportive in principle of this application but subject to suitable mitigation and the signing of a S106 legal agreement. It is recognised that the project would bring short and long term benefits to the area. However, due to the significant preliminary works it was vital to monitor the environmental, social and transport impacts. This information should be used as appropriate and will indicate the need for a Bridgwater northern bypass early in the project or at the very least junction improvements at pinch points should be conditioned. The conditions put forward in the committee report were commended.

Michelle Osbourne (Somerset Wildlife Trust) spoke to the effect that the Trust is not anti-nuclear development and recognises the benefits the development may bring. The environmental impact assessment process has been reasonably robust although undervalues species and habitats and uses language inconsistently. The development would have an adverse residual affect for species and habitats, even with the conditions and obligations. The Trust was concerned about the time for the clearance of the site and the reinstatement (with a lag time between impact and mitigation), which would have a significant impact on many species. If the committee were minded to approve the application, it was concluded that specific timings for reinstatement and landscape mitigation should be secured.

Councillor Michael Lerry (Sedgemoor District Council) spoke to the effect that there were several remaining concerns including: community safety and economic development shortfalls in the section 106 agreement (which should be met before the agreement is signed); proposals to alleviate increased traffic congestion were not enough; housing if not managed correctly could see local residents being displaced (vacant properties must be brought into use); breach of the 106 agreement should see the local authorities taking legal action together to protect the residents/communities of Bridgwater.

Public Speakers – Objecting to the Application

Peter Farmery (West Hinkley Action Group (WHAG)) spoke to the effect that he lived in the area when Hinkley A and B were built and was not opposed to the building of Hinkley C or nuclear power. The local and national benefits are recognised. However, he could not understand why the preliminary works needed so much land; the level of destruction of the countryside and its biodiversity to carry out the works was far more than was necessary. He was supportive of the West Somerset Council's assessment and conditions but still considered more could be done for local people and to limit local impacts.

Barbara Oates (WHAG) spoke to the effect that local people's right to peaceful enjoyment of their homes under the Human Rights Act would not be possible with the development. There is concern that EDF considered the noise issue to have minor effects. Noise would be intrusive and would carry and the trees planted to act as a barrier will not be sufficient (a number of them planted to date were noted as having died in the recent dry weather). Monitoring systems for the impacts should be publicly available. Concern that no health impact assessment had been produced even though local residents had provided EDF with information on the stress experienced by locals. Existing rights of way that would be affected needed to be sensitively redirected before works started. Should the application be granted, a condition requiring a publicly available noise enforcement system should be in place.

Graham Howard (WHAG, Shurton) spoke to the effect that land to the south of the site was not required for the nuclear power station itself and would be used for a temporary storage of top soil. He was concerned about noise, dust and loss of amenity. He wished this section of land to be reinstated, although the period from the start of the works until the time when it would be returned

to its original state could be many years. He insisted that if the application were to be approved, landscaping work was brought forward as a phased condition.

David Cross (WHAG, Burton) spoke to the effect that EDF was taking a gamble with the application as they did not have design approval, they were not committed to Hinkley Point C as a business venture, and the whole programme was indefinitely delayed. It will take 20 – 25 years before the area of land may be re-landscaped / reinstated. Everything in the local landscape would be dominated by Hinkley Point C for 60 plus years. He considered that no works should take place unless the power station was consented.

Roy Pumfrey (Save Cannington Action Group) spoke to the effect that EDF was ignoring its own consultation with the local people. The application should have addressed concerns regarding safe roads. There would be a 509% increase in the number of heavy goods vehicles alone and slower response times by emergency vehicles would result. There would be noise, traffic, safety and air quality issues – the suggestion that a couple of pedestrian crossings were all that was needed to mitigate the impacts could not be correct. There is concern that the power station could almost be built before any road works were completed. Bypasses of Bridgwater and Cannington are required prior to the works commencing. National government policy should not override local decision-making and local planning applications.

Sholto Moger (representing the Fairfield Estate) spoke to the effect that the need to deliver new energy must be balanced properly with the landscape and impacts on it. A boundary bund had been planned to provide on-site screening but it was questioned whether the mitigation is the best that can be achieved. The north-west boundary landscaping, including the bund, could be improved. Solutions had been put to the applicant but no reasons were given for those not being accepted. Landscape screening should be provided at the beginning of the scheme and draft condition SP14 should be amended to achieve this.

Crispin Aubrey (Stop Hinkley) spoke to the effect that he was concerned that the application was effectively the beginning of construction when the list of proposed works was considered. The description as 'site preparation works' was not accurate. There is no urgency for new nuclear power stations – energy needs can be met without nuclear power. The NPS only describes HPC as a "potentially" appropriate site for new nuclear. The works would destroy all that was special about the site making it easier for the main DCO application to be approved. West Somerset Council should not have been put in a position where they have to determine this application. The application is premature and would be open to legal challenge.

Nikki Clarke (Stop Hinkley) spoke to the effect that the flood risk assessment (FRA) considered the position in 2017 and could not be relied upon to represent flood risk far into the future and for the lifetime of the new nuclear power station. If the project were to be considered as a whole EDF's FRA would have to consider dates much further into the future than they have. Concerned that without sufficient flood risk assessment and with rising sea levels, there could be a very real risk to the reactors in the future with not enough drainage capacity. Given this, the reactor siting should not be approved now through the site preparation works. Fukushima is a timely reminder of potential flooding issues. The project should be considered as one application made to the IPC.

Helen Grant (Stop Hinkley) spoke to the effect that six years ago a proposed wind farm on this site had not been granted because of disturbance to the bat populations, which were still there. The development will impact on the SPA, SAC, Ramsar and SSSI sites. Ecological impacts cannot be treated on the site in isolation. Concern that this government could change its mind regarding nuclear energy after the preliminary works were complete, as many other countries are doing. There were sustainable alternatives to producing low carbon energy. Concerned as to whether 2.3million m3 of soil / rock, 37 ecologically sensitive hedgerows and 7 acres of mature woodland can be returned to how it was before. The site should not be destroyed until all issues have been considered and the IPC has given its decision.

Allan Jeffrey (Stop Hinkley) spoke to the effect that the site preparation works would involve major construction over 400 acres of Somerset Countryside, including moving thousands of tons of soil

and destroying the quality of life of the local people and damaging ecological interest. There are various legal and financial reasons why the reactors may not be built. EDF have admitted that they may not obtain planning permission to build the reactors from the IPC, a process that could take at least a year. The GDA process for the reactors is not complete, the jetty is not consented, the NPS is likely to be challenged and there is an appeal in relation to the Government's justification decision. New nuclear is not economical, the incident in Japan has made the costs rise even more and EDF has debt problems. HPC was consented in the 1990s and was not built as it was not viable.

Chinks Grylls (Stop Hinkley) spoke to the effect that the proposals have gone back to the drawing board time and time again causing a lack of confidence in EDF. There is no thorough approach by EDF which is concerning and a lack of advance information provided to local communities. All proposals associated with nuclear new build should be dealt with as one application. The incident in Japan has caused a decline in confidence in nuclear energy. The costs are rising – EDF is not in control. Flamanville and Finish projects are both over budget and late. EDF and Areva are both indebted companies.

Graham Webster (Cannington) spoke to the effect that the IPC was established to enable a single consent to be obtained for such projects so questioned the need for the site preparation works. There is no time saving as they are being delayed – it is a tactic to save money. As per the DECC letter of 16 July 2009, councillors should consider the application on its merits. No adequate roads are in place and, as per the Somerset County Council briefing note to members; a Bridgwater Northern bypass performs better than other transport options. The application should be rejected or a condition requiring a full study of a Bridgwater Northern bypass should be imposed first.

Francis Fawkes (Stolford) spoke to the effect that the Council had a duty of care to the environment and to its residents and that if this application was approved there would be no going back on the destruction that would take place. The application should not be granted separately to the DCO.

Lorna Scott (Forum 21) spoke to the effect that the development would destroy the land as a contingency and that the current application cannot be considered on its merits. The Habitat Regulations Assessment conclusion is not correct and the legislation has not been properly followed in relation to Barbastelle Bats. Mitigation and compensation measures have been confused – compensation measures cannot be taken into account in reaching the conclusion the HRA does, as noted in EU Guidance and Commission v Portuguese Republic. The Council has not considered alternatives and no IROPI have been argued. The Council is therefore not able to consider the proposal and recommendation 1 should not be followed.

Comments from Applicant – Richard Mayson, EDF

Richard Mayson spoke to the effect that nuclear power has been part of the area for many years and EDF wish to continue the tradition through HPC. EDF were fully committed to working with West Somerset Council and the community and the development will bring local benefits. They wish to bring nuclear power online as soon as possible in line with the National Policy Statement and to replace those power stations being closed. The 12 months time saving within the project resulting from the site preparation works development is the primary reason for the application. There would be positive carbon benefits from an early resolution (c.12m tonnes per annum will be saved by the power station compared to 26,000 tonnes arising from carrying out the site preparation works).

There are compelling local reasons for the development as well. Benefits include investment in skills and training, employment opportunities for local people and businesses, community fund and the guarantee to reinstate the site if DCO is not granted. There would be strict standards on noise, dust, light and working hours. The 12,000 trees including those that recently perished on the southern boundary would be maintained/replaced.

Funds have been invested in the Quantock Hills AONB and other landscape initiatives, bunds included on the west side of the site as screening and works to benefit badgers and bats are underway.

Cut and fill on site minimises traffic generation and a traffic management scheme is proposed in Cannington and surrounding area to minimise congestion and traffic problems. There are schemes proposed in Bridgwater and at Sandford Corner and Washford Cross.

It is expected that most workers would be local but in preparing for the project a housing fund scheme would be set up.

A contribution to mitigating the impacts on tourism and leisure facilities in Bridgwater and West Somerset has been agreed.

Public rights of way network would be improved and enhanced with a joined up network of bridleways.

Any outstanding issues in relation to the planning obligations would be resolved with Council officers.

The site preparation application is an important stepping stone towards new nuclear build and has a long term economic benefit locally and nationally.

The revised programme for EDF's new nuclear build in France does not impact on the UK project.

West Somerset Councillor Comments

Chair of the Committee confirmed that as Councillor Sue Goss is not on the planning committee she did not need to declare a prejudicial interest in the application.

Cllr Sue Goss spoke to the effect that the application would lead to traffic chaos, noise and amenity issues. There was a need to weigh up the socio-economic pros and cons. Shurton will experience planning blight and health issues. More clarity is needed on the change to EDF's timescales for the project. There should be water tight controls for noise monitoring (which should be available online) and strict working hours. The southern part of the site should be reinstated for community use as soon as possible (and the boundary 'rolled back' to allow access) and there should be a seamless and quick transition from this application to the onsite construction of the nuclear power station.

Cllr Maureen Smith spoke to the effect that she had concerns regarding the safety of nuclear reactors, the use of wholly nuclear power and potential large scale environmental damage. The Severn Estuary has significant renewable energy potential. She wished to see more renewable energy adopted and hoped that the education programmes implemented, as part of the Section 106 obligations would produce skills which are interchangeable for the use of renewable energy. The site preparation works will lead to large scale environmental damage and the completion of the project is not a foregone conclusion.

Cllr Chris Morgan spoke to the effect that although he did not oppose the application, which will have far reaching effects (including traffic, noise, dust, light etc), residents needed to feel satisfied with the controls put in place. Many local people are vulnerable. The traffic strategy needed to be suitable for local needs with constant monitoring. Benefits included direct and indirect employment, a boost in the economy and new businesses moving into the area. There must be a seamless transition between this application and the decision on the DCO, if not then the site must be reinstated and a bond secured from the developer to enable this to happen.

Councillors Maureen Smith, Sue Goss and Chris Morgan withdrew from the chamber.

P17 Town and Country Planning Act 1990 and Other Matters

Report of the Planning Team dated the 19 July 2011 (including the erratas circulated on 20 July 2011, the Supplementary and Update Officers Report and the Second Supplementary and Update Report) – circulated with the Agenda and distributed prior to the meeting.

The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning application files that constitute part of the background papers for each item).

Committee's Considerations

Traffic impact

Councillor Trollope-Bellew raised concerns that the mitigation measures would not prevent traffic problems in Bridgwater and Cannington. He foresaw massive build ups along the A39 and in Bridgwater and felt that the Committee owed a moral duty to the residents of Cannington. He asked why a by-pass was not part of the application.

Mike O'Dowd-Jones, Somerset County Council Highways Authority, explained that the Somerset County Council was satisfied that a robust traffic and transport assessment had been undertaken including addendums on road safety and congestion impacts, and felt that there would be a negligible impact on road capacity. SCC Highways had challenged EDF on the level of traffic proposed (62 HGV per day in 2009 compared with 375 HGVs at the peak of the construction phase plus 50 HGV associated with the jetty application at the peak of construction); however EDF have proposed a traffic management package which would be subject to community consultation, thereby providing the best opportunity to manage the impact of HGV levels.

Mike O'Dowd-Jones further added that out of the 261 vehicles entering and leaving the site prior to 7am and after 6pm, 145 would be HGVs equating to 15-30 per hour and these would be subject to conditions. Mike O'Dowd-Jones confirmed that the traffic from the grain store on the C182 (as with all existing traffic) was included in the assessment.

Somerset County Council had not objected to the application subject to conditions relating to the traffic management package. The Cannington by-pass is not required in traffic capacity terms in relation to the site preparation development but Somerset County Council has urged EDF to build it at the earliest opportunity during the main power station works.

The design of appropriate traffic solutions would be submitted to the Infrastructure Planning Commission as part of the main project DCO application and this was being worked on between EDF and Somerset County Council.

Councillor Sanders queried where vehicles would go if they could not get onto the site, for instance if there was an accident on the roads – there could be a build up.

Mike O'Dowd-Jones confirmed that the site has stacking capacity and that the traffic incident management plan is designed to consider and deal with issues such as that. EDF may have to stop the traffic arriving in some circumstances.

Councillor Turner felt that there would be more than a 2 second delay for pedestrians wishing to cross the road in Cannington. Mike O'Dowd-Jones said that if traffic was evenly spaced then pedestrians should only have a 2 second wait.

Councillor Hadley enquired about the automatic number plate recognition system. Andrew Goodchild replied that the robust and comprehensive system for automatic number plate recognition would be put in place prior to construction work and this was conditioned by FP3 and PRE22.

Councillor Trollope-Bellew was concerned with the wording of condition SP32 in that the word 'roundabout' was not included and asked whether this could be amended. He also felt condition PRE22 needed to be more specific in terms of when the work had to commence. He raised concerns about the state of and junctions on the C182. He welcomed the Sandford Corner works but thought others were required such as where Shurton Road joins the C182

Mike O-Dowd-Jones replied that the C182 did not have a poor traffic history and monitoring would be carried out to check the state of repair of the road before and after the development and therefore the repair works needed. The intention was to provide a roundabout at Washford Cross. The roundabout works have benefits for the preliminary works stage, and are also needed in the event of the DCO works proceeding.

Councillor Melhuish expressed concern regarding the Taunton Road / Broadway junction. Mike O'Dowd-Jones explained that the junction was of concern to Somerset County Council. There are problems with it and there still will be – the works by EDF will not sort all the issues out. Land acquisition could be required in order to improve this junction.

Further into the debate, Councillor L Smith asked whether a by-pass could be required as previously mentioned by Councillor Trollope-Bellew. Richard Ford explained that the Cannington by-pass was not to be required at this stage, as it is not justified by the traffic assessment and is not considered to be needed to make the proposals acceptable in planning terms and would therefore be required at the DCO stage if the DCO was granted. If the DCO works were not granted, the County Council did not see overall benefit in a Cannington by-pass having already been built.

Councillor Melhuish expressed concern vis-à-vis the bypass and transport element of the application and asked whether this concern could be brought to the applicant's attention. Andrew Goodchild advised that a strongly worded informative could be added urging discussions between Sedgemoor District Council and Somerset County Council to re/commence relating to the construction of a bypass as soon as possible. It was also agreed to make wording refinements to conditions SP32 and PRE22.

Noise mitigation

Councillor Hadley asked for reassurance about what noise mitigation measures would take place during earth works and water pumping - the latter would be 24 hours a day. Andrew Goodchild replied that the pumps would work overnight but the noise level would be minimal – this is covered in conditions G11 and G12. He added that maintenance activity at night was not anticipated but would be permitted under the conditions if required.

Lighting

Councillor Mills was concerned about the visual lighting affecting residents. Andrew Goodchild stated that the lighting would not be 24 hours, and is covered in conditions G17 and G18.

Air quality and dust monitoring

Councillor Dowding felt that dust monitoring was required regarding the distribution of dust into residential areas. Andrew Goodchild replied that this is dealt with by condition PRE14 which secures an air quality scheme set by the Council's Environmental Health team. He confirmed he would go back to the environmental health team with committee concerns and discuss the condition / monitoring further.

Vegetation clearance – hedges

Councillors Turner and Trollope-Bellew asked for clarification on when vegetation clearance could take place. Andrew Goodchild replied that works could not take place between October and March unless appropriate measures to avoid or prevent impacts on relevant bird species had been submitted to and approved by the local planning authority. (Updated Condition FP2 refers)

Housing accommodation

Councillor Turner stated that the movement of more people into the district was going to put more stress on housing in the district – where would the extra people be housed? Andrew Goodchild replied that 'quick wins' in relation to accommodation supply had been identified to balance concerns regarding the use of private rented housing and tourist accommodation. These would be provided / assisted through the means of funds provided under the Section 106 Agreement.

Dead animals

Councillor Turner asked for assurance that if a dead animal was dug up it would be disposed of appropriately. Andrew Goodchild stated that environmental management plans covered this eventuality.

Flooding and drainage issues - Holford stream

Councillor Turner enquired about the dimensions of the proposed culvert and whether it would be pre-cast or built in situ, if flow rates had been assessed at low and high tides and how water would get into the culvert. Andrew Goodchild reported that the flow rates had been considered. The Environment Agency's technical advisors and the Drainage Board were comfortable with the flow rates so no conditions would be required. The natural drainage would need to be replaced with an artificial drainage system and various conditions (including SP24 requiring a sediment management plan to be implemented) deal with drainage issues.

Fire and emergency rescue services – alternative access

Councillors May and Heywood wanted clarification on access for emergency services. Andrew Goodchild replied that access for the services had been considered and this was covered in the traffic management plan and the type of road surface would be determined as the need arose.

Top soil storage licence

Councillor May asked whether a licence for the storage of top soil would be required. Andrew Goodchild replied that if required this would be dealt with by the Environment Agency.

Tree landscaping

Councillor May asked whether those trees that had recently perished would be replaced. Andrew Goodchild replied that any trees that perished within 5 years of planting would be replaced, as per the standard condition.

Badger colonies and TB

Councillor Heywood wanted reassurance that the new artificial badger setts would be free of TB. Andrew Goodchild confirmed that a licence was obtained from Natural England and that a badger vaccination programme was in place at the moment.

Roll-back and reinstatement

Councillor Trollope-Bellew requested that a condition be put in place to ensure that the reinstatement at the southern end of the site be completed as soon as possible for the benefit of residents – on a 'roll back' basis if possible. Andrew Goodchild explained that condition R1 requires the reinstatement strategy to be updated (if necessary) and implemented to make sure the southern end of the site is returned to its original state at the appropriate time. This can consider early release of the southern area of the site.

Councillor Mills asked whether the residents could be consulted regarding the possible reinstatement of the site. Andrew Goodchild replied that reinstatement had already been the subject of public consultation, however the condition allowed for further consultation and local views to be taken into account.

Habitat Regulations Assessment

Richard Ford was asked to outline the legal advice in relation to the contention that adoption of the Habitats Regulation Assessment by the Council would be unlawful. He explained that the report is in fact clear as to the measures taken into account that are incorporated into the scheme in relation to bats. They are mitigation measures (not compensatory measures), as clearly stated at paragraph 7.2 of the report and followed through onto page 26. There is no legal impediment to the Council following recommendation 1 in the report and adopting the Habitats Regulations Assessment in this regard and members should be clear that mitigation measures, not compensatory measures, were being recommended in this regard and should proceed on that basis if they adopted the Habitats Regulation Assessment.

Bunding

Councillor Mills expressed concern regarding bunding heights. Andrew Goodchild explained that levels vary across the site. The key issue is timing of bunds to enable the planting to be undertaken. The material used to create the bunds would only become available after work had started (as it utilises soil from on site to minimise traffic movements), revised condition SP14 tightens the timing for the provision of bunding, taking into account when material is available.

Health Impact Assessment

Councillor Mills asked whether a health impact assessment had been undertaken. Andrew Goodchild reported that an assessment was not required at this time but would be needed for the DCO. West Somerset Council and relevant parties would be engaged to ensure that that assessment was robust. EDF submitted a health report within the Regulation 19 response.

Reinstatement - Financial Security

Councillor Hadley asked whether appropriate financial security had been secured and whether it was available pre-works. Richard Ford replied that EDF has costed the reinstatement works at around £63 million (not including indexation) and had offered this to be made available to the Council via a combination of bond/escrow account - a parent company guarantee may be relevant in part as well. The security will be linked to condition R1 requiring reinstatement to take place if necessary. The security would be set out in a detailed Section 106 Agreement prior to any grant of planning permission and officers are asking for delegated authority to agree the final appropriate security arrangements.

Councillor Turner noted the mitigation measures proposed, the planning obligations proposed to be secured and the jobs that would be created by the development.

Richard Ford summarised a few other responses to some concerns raised by speakers and the debate as follows:

- Obligations secured by section 106 must be (amongst other things) fairly and reasonably related to the development. The Cannington bypass is an example of the split between what is appropriate to be secured now and what will be secured at the DCO stage. Somerset County Council were clear that the bypass is not required at site preparation stage and would not be required or particularly beneficial if the DCO works did not proceed. The Washford Cross works however have both a benefit for the current application and potential reinstatement phase, as well as having benefits if the DCO works did not proceed – officers' view is that the Washford Cross works do comply with the legal and policy tests for planning obligations and are necessary to make the

proposals acceptable in planning terms. These principles should be borne in mind when considering all planning obligations.

- Rights of Way – there would be Section 106 obligations to deal with rights of way issues. Existing routes would be closed from the start of and throughout the preliminary works phases. The replacement perimeter path is required within 24 hours with further rights of way works required within 6 months and 3 years. Rights of way issues have been carefully considered by the County Council and it are dealt with comprehensively in the Section 106 obligations.
- Reinstatement / rolling back of the Environment Agency and was appropriate to the application. The Environment Agency is now working closely with EDF on a flood risk assessment for the emerging DCO application which will project further forward.
- Challenge to nuclear justification – that challenge is ongoing but it is not a material consideration for this application.

RESOLVED that the recommendations contained southern end of site – to be dealt with either through the reinstatement strategy or (as appropriate) under the DCO.

Flood risk – an assessment was undertaken for this application which satisfied in the second supplementary report be approved, including the recommended conditions imposed, subject to any amendments detailed below:

Reference **Location, Proposal and Decision**

3/32/11/010 **Hinkley Point C, Hinkley Point, Somerset**

The proposed development involves the following activities: site clearance (including fencing, vegetation removal, demolition of existing structures, and creation of alternative footpaths); earthworks (including soil stripping and storage, site levelling, spoil screening/storage for re-use on-site); provision of earth retaining structures; deep excavations; provision and relocation of drainage infrastructure (including culverts, outfalls, balancing ponds); the provision and operation of plant and machinery (including concrete batching); site establishment works (including layover facilities, car parks, haulage roads, site access points and roundabouts, and laying replacement and/or diversion of apparatus); and other associated works, in the event that Hinkley Point C is not consented all structures would be removed and the site reinstated.

Recommendation 1 - Habitats Regulation Assessment

The recommendation set out in the second supplementary report was proposed by Councillor I R Melhuish and seconded by Councillor A H Trollop-Bellew. On being put to the vote the recommendation was carried unanimously.

RESOLVED that:

(1) The Habitats Regulation Assessment Report dated 13th July 2011 is agreed and adopted by the Council, as the competent authority, as an Appropriate Assessment having regard to the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. In reaching the decision to adopt the Habitats Assessment Report, the Council considers that the proposed development would not have an adverse impact on the integrity of a European site.

Recommendation 2

The recommendation set out in the second supplementary report, subject to amendments in wording to Conditions SP32 and PRE22 and the inclusion of an informative, was proposed by Councillor K H Turner and seconded by

Councillor E May. On being put to the vote the recommendation was carried with one objection.

RESOLVED that:

(2) Having regard to the development plan and all other material considerations, including the result of consultation as outlined in the officers' report, planning permission be **approved** subject to:

(i) the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 in general accordance with the heads of terms recommended by officers in Section 7 of the officers' report to committee as updated by section 7 of the officers' supplementary and update report to committee and section 4 of the officers' second supplementary and update report to committee; and

(ii) the imposition of conditions and informatives in general accordance with those recommended by officers in Section 6 of the officers' supplementary update report to committee and section 3 of the officers' second supplementary and update report to committee, subject to amendments to the following conditions:

Condition PRE22 to read:

PRE22 Transport: Construction Traffic Management Plan

Not to commence Phase 1 until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority.

The construction traffic management plan shall include measures to secure the following:

- That HGVs use the following routes:
- The proposed HGV route from Junction 23 of the M5 motorway will be via the A38 Bristol Road, The Drove, the Northern Distributor Road (NDR), the A39, High Street in Cannington and the C182 to the site.
- The proposed HGV route from Junction 24 of the M5 motorway will be via the A38 Taunton Road, the A39, High Street in Cannington and the C182 to the site.
- Use of the Automatic Number Plate Recognition (ANPR) system to monitor the routing and numbers of HGVs and vehicles driving direct to site. Real time monitoring and evaluation is required.
- Provision prior to commencement of Phase 1 of an effective Delivery Management System and mandatory booking system for contractors.
- A commitment that action will be taken against contractors who exceed agreed hourly limits on heavy goods traffic trips or who deviate from agreed HGV routes. Action will include banning the offending driver or vehicles (based on number plate) from delivering materials to the site for the Preliminary Works, and withdrawing contracts from contractors who persistently breach conditions.
- A commitment that B5 material will be sourced within the permitted excavation limits of existing quarries.

The approved construction management plan shall then be fully implemented in accordance with the timetable contained therein and maintained at all times thereafter during all phases of the Development.

Reason: In the interests of road safety and amenity

Condition SP33 to read:

SP33 Transport: Highway Improvements

No development shall commence within Phase 2 until a scheme for the provision of road safety improvements in the form of a roundabout at Washford Cross has been submitted to and approved by the Local Planning Authority (in consultation with the Highways Authority). Such approved scheme will then be implemented in full in accordance with a programme to be agreed as part of the scheme.

Reason: In the interests of road safety and amenity.

N.B. This condition may be appropriately revised to reflect this requirement potentially being secured in the section 106 agreement.

and an additional informative to read:

INF1

The Planning Committee urges, in the strongest possible terms, the applicant to deliver the proposed Cannington Bypass at the earliest possible stage of the overall project to minimise the cumulative traffic impacts on the community of Cannington.

In each case with delegated powers granted to the Planning Manager, in consultation with the Chairman and Vice-Chairman of the Planning Committee, who will notify the Planning Committee prior to grant, to impose the final form of conditions and informatives recommended above and to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers which delivers obligations generally in accordance with the heads of terms set out in Section 7 of the officers' report to committee, as updated by section 7 of the officers' supplementary update report to committee and section 4 of the officers' second supplementary and update report to committee (including to make any minor or other appropriate amendments or additions to such obligations as set out in the Head of Terms set out in such reports);

(iii) in the event that the terms of the Section 106 Agreement and/or the planning conditions cannot be so agreed by the Planning Manager, in consultation with the Chairman and Vice-Chairman of the Planning Committee, the details regarding the agreement and/or conditions are reported back to the Planning Committee for further consideration.

The Planning Committee strongly urges the applicant to agree in full the officers recommendations in relation to areas not yet agreed as set out in the report and updates in relation to the Heads of Terms of the Section 106 Agreement.

Committee's Considerations

The Committee considerations included the following:

- Traffic impact including on the residents of Cannington and Bridgwater
- Washford Cross roundabout
- Traffic flows and highway safety
- Noise mitigation

- Air quality and dust monitoring
- Landscape issues, including bunding, planting and lighting
- Vegetation clearance – hedges and other habitats and landscape features
- Housing accommodation
- Dead animals
- Flooding and drainage issues, including Holford stream
- Fire and emergency rescue services – alternative access
- Top soil storage
- Badger colonies and TB
- Roll-back and reinstatement relating to condition R1 and financial security
- Health issues

There being no other business the meeting closed at 4.35 pm.