



“Material Change to Hinkley Point C’s Development Consent Order”

Consultation Response

Afonydd Cymru is the umbrella body for rivers trusts in Wales. This includes the Severn Rivers Trust, the Wye and Usk Foundation and the West Wales Rivers Trust who are our delivery partners in South Wales from the River Severn to the River Tywi. We provide advocacy to Welsh Government and Natural Resources Wales.

Afonydd Cymru has recently become aware of evidence collected by Swansea University which we believe is critical to the outcomes of the Habitats Regulations Assessment at Hinkley Point C and subsequent environmental mitigation decisions which will be made. Their evidence focussed on tagging of shad from the Severn, Tywi and Wye over the past year and was therefore unavailable at the time of the published HRA or preliminary conclusions of the environmental impact assessment report (PEIR).

Environmental Significance

The consultation’s environmental assessments recognised the importance of four designated sites under Annex II of the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations), S41 Priority Species of the Natural Environment and Rural Communities (NERC) Act 2006 and Ramsar Criterion 4 species of the assemblage of migratory species. These sites were:

- The Severn Estuary Special Area of Conservation (SAC)
- Severn Ramsar site
- The River Wye SAC
- The River Usk SAC

It is noted by Afonydd Cymru that the River Tywi was not part of the original SACs considered as part of the assessment, however, the Swansea University evidence clearly calls this into question. Afonydd Cymru is primarily concerned with the designated species of Twaite Shad, Allis Shad and Atlantic Salmon in this consultation.

Response

Our response focusses on two of the material changes EDF proposes:

- Removal of the Acoustic Deterrent System
- Habitat Creation and Enhancement

Acoustic Deterrent Systems

The premise for removal of the acoustic deterrent system is that its removal is likely to have only a minor impact on shad and salmon populations. Significant assumptions have been based on conclusions reached during the development of Hinckley A and B. We do not consider that just because historical development of power stations in the Severn Estuary did not include fish protection, that this is sufficient to reach a conclusion of no adverse impact for any future development.

Assessments by both Cefas and the Environment Agency predicted effects well below 1% for both species on all rivers (no assessment made for the Tywi), with the exception for Allis Shad on the Wye where the EA assumed a small population was present and a slightly raised impact of up to 1.6%. It was therefore concluded that due to such small predicted losses, no adverse effect on integrity would occur.

These assessments clearly pre-date the evidence now collected by Swansea University. These data provide clear evidence of shad within Bridgwater Bay from the rivers Twyi, Severn and Wye and the researchers concluded that the evidence is sufficient to be applied to the River Usk. The evidence shows emigration of shad from these rivers to the Bay in the order of 45%.

Based on this new evidence, we believe that the assessments undertaken by Cefas and the Environment Agency should be updated. We believe that preliminary data suggests a far greater presence of shad in the Bay than previously considered and therefore the likelihood of a much higher impact of loss. Shad are only present in one other river system in the UK than those affected by this proposed development. The rivers which could be impacted are therefore critical to the future survival of the species. We believe it is imperative that the HRA is revised to reflect the new evidence from Swansea University's tagging studies and that a further longer period of tagging is considered to confirm their initial findings.

Habitat Creation and Enhancement

A number of measures have been proposed as mitigation for lost species and habitat. Our particular focus is on the impact to designated fish species of salmon and shad.

Given the evidence presented by Swansea University, Afonydd Cymru considers that the mitigation proposed does not sufficiently address the scale of the impact to Welsh Rivers nor do the measures have any direct and quantified benefit to the fish species.

Some mitigation is proposed for saltmarsh, seagrass, kelp forest and oyster beds. These proposals are within the Severn Estuary only and in locations in England and we will not, therefore, address the suitability of these measures.

Within Wales, mitigation is proposed only with the further removal of barriers to migration. A substantial programme of barrier removal has been led by Afonydd Cymru and the rivers trusts which means that options in Wales are limited on the rivers concerned. A number of the remaining barriers are subject to removal by Natural Resources Wales under the Rivers4 Life programme.

Some of the proposed structures to be removed are Trostrey Weir on the River Usk and Manorafon Weir on the River Tywi. Both structures also provide river gauging to regulatory flows for abstraction and any remedial work must, therefore, ensure maintenance of flow measurement so that flows can be regulated and maintained on both rivers. A number of structures are under consideration on the River Lugg, a tributary of the River Wye, due to there being no structures on the main stem of the Wye.

Given the new evidence from Swansea University, we do not consider that the proposals suggested to date deliver mitigation for the Rivers Wye, Usk or Tywi. Afonydd Cymru does not believe they provide any specific support to shad and salmon populations:

- 1) Whilst Trostrey weir may be a partial barrier to shad, NRW has evidence of shad eggs upstream of the weir (Core Management Plan – River Usk). It was designed specifically to not impede the migration of salmon and the Review of Consents did not identify causes of concern to either salmon or shad from this structure. The Core Management Plan for both species identified the main impacts as flow, impingement at abstraction sites and water quality. The first two were subject to a rivers trust-led project UWAG which presented options for flow management on the River Usk. A better mitigation may be to implement further flow variations proposed but not included within licences. Further detail and concern on this point is raised by Dr Guy Mawle in his response to the consultation.
- 2) A series of weirs have been identified on the River Lugg upstream of Leominster, built by the Environment Agency for flood defence – Mousenatch, Eyton and Coxall. All are owned by the Agency and have rudimentary fish passes that while not perfect, enable salmon to migrate in certain flows. However, while removal or easement work on these weirs could help salmon migration in the Lugg, there will be no benefit to shad. The further flood alleviation weirs that exist just downstream and above all, Hampton Court weir a few miles below Leominster are complete barriers for this species. Hampton Court weir has an Agency-built larinier fish pass and is passable for salmon.
- 3) The Core Management Plan – River Tywi makes no reference to the Manorafon weir impacting either shad or salmon migration. The main impacts identified for both species are flow, impingement at abstraction sites and water quality. Again, impingement was resolved through the inclusion of screens as a requirement of abstraction. Unlike the Wye and Usk, a flow variation study was not completed on the Tywi. The releases from Llyn Brianne are linked to downstream abstraction requirements and like other rivers in Wales will therefore mask natural flow variation and spate flows. We would recommend that a review of flow management on the River Tywi may provide mitigation proposals for this river.
- 4) No mitigation has been proposed on water quality impacts on any of the three rivers. All three rivers are currently failing their SAC compliance limits for levels of nutrients. The Core Management Plans and the WFD Reasons for Not Achieving Good reports significant impact from a number of sources including water industry and agriculture. Whilst recent focus on water quality issues has driven further identified water company investment, to date few actions have been identified to resolve rural land management impacts to these rivers. This could be a priority for mitigation.
- 5) All three rivers have identified habitat restoration requirements which are within the All-Wales Restoration spreadsheet held by Afonydd Cymru on behalf of Natural Resources Wales.

- 6) Afonydd Cymru believes strongly that mitigation for salmon should be aligned with the Salmon and Sea Trout Action Plan for Wales, currently under review by Natural Resources Wales.

In conclusion, following the latest evidence from Swansea University, impact assessments must now be re-undertaken by Cefas and the Environment Agency. And as a minimum, we would expect mitigation measures to be identified specifically for the loss of salmon and shad to the SAC rivers in Wales.

Afonydd Cymru, in partnership with:

Severn Rivers Trust

West Wales Rivers Trust

Wye and Usk Foundation

February 29th 2024