

**Otterhampton Parish Council's
Submission
to the
Planning Inspectorate
Relating to EDF's Hinkley Point C
Development Consent Order
Application**



Combwich Wharf – business and leisure

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OVERVIEW OF OTTERHAMPTON PARISH COUNCILS REPRESENTATION ON EDFEs PROPOSALS AT COMBWICH

1.1

INTRODUCTION

Our community has always understood that Combwich wharf would play a significant part in the construction of a new nuclear power station and generally welcomed EDFEs Stage 1 proposals, which would be to receive the large Abnormal indivisible loads (AILs) for onward delivery to the main HPC site.

Many villagers either work, or have worked at Hinkley Point A and B and recognise the importance of the new build to the national energy infrastructure and to the local economy. However the proposals detailed in the DCO application go far beyond what any community could be expected to endure and in our view are inappropriate for this small rural settlement situated on a flood plain.

The views expressed in this document are the result of widespread consultation with local residents in the form of surveys, public meetings and representations made to the council and detailed discussions with relevant agencies including EDFE.

The following paragraphs in this overview, provides a short assessment of OPCs views and main arguments on EDFEs proposals for Combwich, with more specific details in the full sections.

1.2

LEISURE AND AMENITY

The local communities overwhelming concern is to safeguard the peace and tranquillity of Combwich. The proposals for a New Goods Wharf and the huge laydown area are unacceptable and will inappropriately industrialise our rural village. The domination of Combwich Pill by EDFEs excessive use must not be allowed to happen. Leisure use of Combwich and the Pill must be considered and 'fair' compromise reached when setting requirements.

1.3

AILs AT COMBWICH

Whilst it is generally accepted that the AILs will come into Combwich Wharf, the use of unsocial hours for shipping movements, so close to residential dwellings must be restricted. The primary purpose of Combwich Wharf is the importation of the AILs. OPC will strive to seek ways to assist EDFE in fulfilling this task taking residential amenity and disturbance into

account. What makes EDFEs proposals at the wharf unacceptable is the provision of a New Goods Wharf and an unknown amount of 'other goods' deliveries.

1.4

FLOOD RISK AND THE PPS25 SEQUENTIAL TEST

Flood risk at the proposed laydown area, its impacts and consequences have been ignored by EDFE in their decisions on site selection. The DCO Application revealed that the material requirements for the storage area had increased by a factor of 8 since its original concept, to over 800,000 tonnes needing 90,000 HGV movements.

OPC objects strongly to the scale and position of the laydown area. There are alternatives in lower flood probability zones. They just haven't been properly considered by EDFE. The Sequential Test is to ensure 'inappropriate development' does not take place in high flood risk areas and is supposed to help identify alternative sites and compare flood risk, and its impacts. EDFE have made a fundamental mistake by dramatically failing to meet the Sequential Test requirements as per NPS EN1, PPS 25 and Environment Agency Standing advice.

The importance of this failure should not be understated. Section 4 describes (in detail!) where and how EDFEs failure has evolved and that the consequences are that consent should not be given for the Combwich laydown area.

1.5

NEW GOODS WHARF

OPC objects to the new Goods Wharf at Combwich. Its use will cause unacceptable disturbance to residents and increase pressure on EDFE to monopolise Combwich Pill, the use of unsocial hours for shipping movements and therefore more disturbance. There are legacy issues, and concerns about over industrialisation of our small rural village.

OPC consider use of the Jetty at Hinkley Point is a suitable alternative.

1.6

PROPOSED LAYDOWN AREA

OPC consider a limited area for AIL storage, if proved necessary, could take place adjacent to the Wharf access road. Otherwise as explained, the flood risk impacts, failure to meet the requirements of the PPS 25 Sequential Test, effect on amenity values, disturbance and site selection issues preclude this inappropriate development at Combwich. As will be shown there are alternatives and there is a requirement to consider them in relation to flood risk in NPS EN1. The rationale and justification for a laydown area at Combwich has been extinguished by revelation of the flood risk impacts.

1.7

ROAD FREIGHT

EDFEs proposals are vague and have not been sufficiently tested by examination. OPC object to road freight storage at Combwich. The Wharf access road does not have permission for road freight use and there are suitable available alternative sites in less environmentally costly areas to develop. Use of Combwich would not prevent any HGV movements through Bridgwater or Cannington and if storage is required it should be near the junctions of the M5 motorway.

1.8

RESIDENTIAL AMENITY, DISTURBANCE AND HOURS OF USE

Disturbance and effect on residential amenity are important considerations on what consents and requirements are recommended by the NID at Combwich. The close residential surroundings at the Wharf and laydown site and the lack of possible mitigation through distance between receptors and the source of the disturbance, result in the need for stringent requirements. As exemplified in NPS EN1, these should include stringent restriction on hours of use and operations permitted.

It is unacceptable to inflict significant major adverse impacts, through shipping movements only 40m from where people are trying to sleep at 4 or 5.am, which is what EDFE are proposing. EDFE need to appreciate just what impacts their proposals will have on our quiet rural village.

1.9

TRANSPORT ISSUES

Otterhampton Parish will be seriously affected by the increased Transport issues due to HPC. The developer's Combwich proposals will also have a negative impact on the traffic situation. The Junctions with the C182 at Otterhampton/Steart and for Combwich village will become problematic and may require suitable solutions.

Concerns regarding HGV limits on the C182 are covered in our representation.

1.10

CUMULATIVE IMPACTS

No one can accuse Combwich residents of nimbyism. The Parish is subject to a number of major infrastructure projects plus HPC and the Combwich proposals, all in the National interest. Whilst we are a selfless lot at Combwich, there is a limit to just how much change

and disturbance one community should suffer. OPC state the limit is anything other than ALL importation and limited Storage, through the Wharf.

1.11

MISCELANEOUS

Documents which cover the Parish's approach to the EDFE Combwich proposals include –

- The District Council's (SDC) HPC Supplementary Planning Document
- Otterhampton Community Plan

OPC look forward to commenting on the Local Impact Report when it is issued.

Recently EDFE have offered limited mitigation measures for some properties in Combwich. The Parish Council will comment on mitigation, when fuller details become available.

LEISURE AND AMENITY - COMBWICH

2.1

INTRODUCTION

Residents have chosen to live in the cul de sac village of Combwich for many reasons. The meetings and research to inform the Community Plan showed principal reasons include its tranquillity, amenity value, rural nature, landscape and quality of life. The riverside location and the associated leisure use involving boating, greatly enhance and flavour the experience of living in Combwich.

Whilst Combwich Wharf has never added to the natural beauty of the harbour, its very limited level of use has meant, up till now, that it has been a burden the village has borne, understanding the need to deliver AILs to Hinkley Point.

The Steart habitat creation scheme is underway and will, after construction, support the rural nature, popularity of the area and landscape value. This 1,000 acre project begins at Combwich and encompasses the Steart Peninsula.

What will not boost the appeal of Combwich are EDFEs inappropriate proposals to industrialise the location. Proposals for a New Goods Wharf, HGV transport, and a huge storage facility that would make any prison compound look attractive in comparison, adjacent to the village, in open countryside overlooked by the Parrett Trail, will not improve the landscape or amenity of the area.

Restrictions on the use of Combwich Pill by leisure users, consequent to the domination of EDFE shipping manoeuvres during the slack water period of the 30 highest tides per month, must not be allowed to happen.

2.2

OPC will not attempt to measure the values. What EDFE consider a minor adverse effect on amenity or landscape, can mean everything to a resident or visitor. EDFEs idea of beauty should not be the gauge for the acceptance of their development.

The Council will concentrate on –

- Leisure and boating use
- Landscape, Amenity and public open space

Section 3.2 also covers boating use at Combwich Wharf in connection with AIL deliveries.

Regardless of EDFEs measurements and degree of affect, any examination will surely show how severely the developer's plans for Combwich will impact the quality of life issues, so valued by our community. These considerable impacts will be for at least 12 years duration.

2.3

LEISURE AND BOATING USE

It is the riverside location and its link to the sea, through leisure boating activities based on Combwich Harbour/Pill, that helps to make Combwich 'special' and different.

The estuary from Burnham up to Bridgwater is used, when the tide allows, as a cruising area for yachts and boats. Considerable use is made of the area adjacent to Combwich for water ski activities in the summer.

The only public access upstream of Burnham on the entire estuary is the slipway leading off Parish Council land at Combwich Pill. The Council has always supported safe, leisure and boating use on the estuary via Combwich Pill, and will continue to do so if EDFEs requirements to use 30 high tides per month and the important 'slack water' period, does not preclude safe use of the water.

2.4

EDFE DOMINATION AND CONTROL OF COMBWICH PILL, HIGH TIDE USE

EDFE own Combwich Wharf, not the Pill. It has now been revealed that they are seeking a lease from the Crown Estates, for the majority of the Pill, including the access to the estuary. There is much concern in the community about this situation. It seems EDFE do not just want extended use of the Wharf, but are seeking control in the Pill.

There are many powers available to EDFE should they be granted consent and unfortunately they have not gained the trust of the community, to believe that these would be used responsibly and not in a controlling way at our village harbour.

2.5

EDFEs RED LINES AT COMBWICH

There has been considerable dispute regarding EDFEs red line, site boundaries at Combwich Pill since July 2010. OPC have objected by letter, and are not confident that the developers reply satisfied our concerns. The Council understand health and safety issues but these can be dealt with satisfactorily without including much of Combwich Pill in the site designation. The site encompasses all the entrance of the Pill and up to the north bank, to the public slipway. This is seen as a threat to leisure use of Combwich Pill and public access, including rights of navigation.

2.6

WHY 'SLACK WATER IS IMPORTANT TO ALL USERS

EDFE themselves stress the importance of using the slack water period, available for 20 minutes either side of high tide. This is the 40 minutes not subject to the strong currents prevalent on the estuary before and after this period.

Handling and manoeuvring shipping in and out of Combwich Wharf is not easy as Section 3.13 will show. The Council understand EDFEs need to use slack water but are clear that their proposed monopoly for 30 tides a month, for all of the most usable tides is unacceptable.

With such a narrow entrance to Combwich Pill, there are real concerns that should an incident occur with an EDFE delivery, blocking the access, then leisure boats out on the river could be stranded on a fast ebbing tide. EDFE have been warned.

2.7

Use of this slack water period is also essential for leisure boat users, whether boat club members or the general public. The need for easier manoeuvring does not just apply to EDFE vessels but to every water user, especially at Combwich.

Due to tidal constraints there is a very limited amount of time available on the water in the estuary before it 'dries' out when the tide recedes. This window is when boating activities take place. Some of the moorings in Combwich Pill only allow boats to move on a very restricted time period at high tide. It would be all too easy to miss the chance of getting back to a mooring, with boats being dangerously stranded on a drying tide in the estuary or at the mouth of the Pill, if their access was blocked by an EDFE ship movement.

The most useable tides for leisure use are also those required by EDFE for deliveries. There are many occasions when the low tides (neaps) do not even provide enough water to float the boats at Combwich.

2.8

SAFETY AND 'FAIR' USE FOR ALL, NOT JUST EDFE

The Parish and District Councils, (Sedgemoor is the Harbour Authority) agree that a 'fair use' policy and requirements, be implemented at Combwich should consent be granted, to allow leisure boating to continue in a safe manner.

Sedgemoor District Councils approach to this is explained in the adopted Hinkley Point C, Supplementary Planning Document, Combwich section.

There are serious safety concerns about depriving leisure users opportunity to access or leave Combwich at high tide, and therefore when no strong currents are prevalent and manoeuvring is easier.

Whilst some members of the Combwich Motor Boat and Sailing Club, will be experienced enough to understand the conditions when strong currents are running, other members of the general public, could need the safety that slack water provides.

2.9

THE PARISH COUNCILS VIEW ON USE OF COMBWICH PILL

- The Parish Council agree that leisure use, in and out of the Pill, should not take place due to safety concerns, when EDFE shipping movements are underway at Combwich Wharf.
- That forcing leisure boaters to only use periods outside of slack water, will have severe safety implications, caused by EDFE seeking to dominate the useable high tides for their own use at the Wharf.
- Should consent be given, that requirements for fair division or quotas of high tide usage be applied.
- Sole use for leisure boaters could be considered at weekends.
- That leisure use of the Pill should continue and be supported.
- If construction at the Wharf takes place then measures should be agreed for only a limited temporary stoppage of use, and suitable compensation put in place.
- The Council objects to EDFE leasing of Combwich Pill. If it occurs it must not obstruct navigation rights, inhibit use apart when mutually agreed due to safety issues, seek to control moorings or extinguish rights users may have gained over time.

2.10

EDFE CONSIDERATION OF IMPACTS AT COMBWICH PILL

OPC strongly object to EDFEs assertions in their environment statement, volume 7, sections 17.6.33 and 17.6.34.

- That no impacts are predicted by EDFEs use of the Wharf on boats moving in and out of Combwich Pill.
- That no impacts are predicted by EDFEs use of the wharf on CMBSC activities.

It is for the Combwich Motor Boat and Sailing Club to comment on EDFEs statement in 17.6.33, about their use of slack water for 30 tides a month, that –

*Consequently, CMBSC has confirmed that the arrival and departure of EDF Energy vessels would not conflict with this aspect of the club's activities, such that no change is expected, and **no impact** is predicted.*

However OPC note that this may be misleading, as the CMBSC representation to the IPC, number 946, covers issues they would like addressed. Issue 3 – *‘The monopoly of EDF’s use of high tides during construction of the power station’*.

This does not sound like confirmation.

2.11

EDFE appear to have understated the impacts and their duration.

EDFEs proposals do not give the impression that they have fully considered the impacts in a considerate way regarding the host community. The impression they have created, rightly or wrongly, is that they are a powerful company and they will dominate and change this rural village regardless. That they insist no impacts are predicted, against obvious evidence, ignoring real safety implications is to be regretted.

It is not the AIL deliveries that would monopolise use of Combwich Pill, but once again the proposals for unknown and unlimited other goods shipments. 180 AILs could be safely accommodated without compromising or dominating high tide usage at Combwich.

2.12

LANDSCAPE, PUBLIC OPEN SPACE AND AMENITY

The developer seems to understate the obvious negative effects its proposals will have on the landscape, visual impacts and amenity values, and that mitigation could be achieved by reducing their proposals at Combwich.

EDFE state that the village green and Combwich common are 200m from their site. This is incorrect. The Parish Council are owners of both and they are in reality much closer to the Wharf. Public Open Space begins on the north bank of Combwich Pill and is greatly used by residents and visitors. Its amenity value to the village and nearby communities is significant.

At a time when the tourism aspect of the area is being enhanced by the Steart project, it is a backward step to impact Combwich with such an immense scale of industrialisation.

2.13

The Council concerns include the following impacts –

- The Village Green
- Otterhampton Village Hall
- Noise, lighting and marine exhaust emissions
- Sport and recreation on the common
- Visual effect from Parrett trail and village

2.14

The village green is situated adjacent to the car park on the north bank of the Pill, opposite the village hall. It is regularly used in the summer for open air Church services, village fetes/markets. EDFE propose Sunday working.

2.15

Otterhampton village hall is located close to Combswich Pill. This is an important village amenity and the site of much daytime use, including young children and mothers groups. Users would be severely affected by both construction and operational use of the Wharf.

2.16

Noise from construction, operational use and ships generators will seriously affect the amenity of walkers and residents enjoying the natural surroundings of the village. As mentioned the emissions from ships are particularly noxious and will deter people from the public open space near the Wharf. There are numerous seats in the area from which people now enjoy the views and tranquillity. This amenity will be seriously affected.

2.17

The visual impacts will be serious and substantial. The sheer scale of the proposals both at the Wharf and laydown site ensure their effect will not go unnoticed. Many houses and gardens in Combswich have attractive views over the estuary and open countryside. These are part of the amenity residents value and they greatly enhance the quality of life. The landscape whether of the estuary or green fields has a high value for all. Again research for the community plan evidenced this.

Walking the Parrett trail is popular for both visitors and locals. The rural landscapes viewed from the raised river bank greatly adds to the pleasure experienced.

Of particular concern is the scale and appearance of the proposed laydown area. This vast area will certainly not enrich the landscape from the Parrett trail or encourage visitors to enjoy the amenities offered at Combswich. The raised working platform, containers, and buildings, surrounded by obtrusive fencing, with lighting and cctv columns prominent, will epitomize the typical **'blot on the landscape'**.

2.18

Construction and deconstruction operations will naturally have a detrimental effect on amenity and the landscape experience. However OPC are troubled that EDFE may have seriously underestimated the timescale and level of disturbance for deconstruction and removal of the laydown area. Whilst they accept that restoration to agricultural land will take 3 years, Section 17.6.45 explains that deconstruction will be accomplished in just 12 months.

Have EDFE taken the greatly increased amount of materials and engineering into account that are necessary due to flood risk. 400,000 tonnes of material will have to be excavated and removed from site, requiring almost 1,000 HGV movements per week. The scale and impacts of this task are immense.

Do EDFE even know how, and where to, this possibly contaminated waste will be removed?

2.19

CONCLUSION

The scale of EDFEs development at Combwich would severely affect the quality of life for residents and deter visitors. Attractive landscapes would be brutally transformed into facilities only interesting, due to their industrial inappropriateness. The temporary nature of the proposals would stretch to 12 years. Many of the current residents will simply not live to see the end of the disruption.

Many residents are appalled that EDFE would seek to develop and dominate to such an extent, our small village harbour and community, when there are alternatives and no justification for some of their proposals.

They are looking to the NID to recommend fair and restrictive requirements that will limit the damage and disruption, EDFEs plans would inflict at Combwich.

AIL IMPORTATION THROUGH COMBWICH WHARF

3.1

INTRODUCTION

Combwich Wharf has supported the nuclear power stations at Hinkley Point by facilitating the importation of the large loads required, that would be difficult to transport on the national highway system since 1959. These loads are termed Abnormal Indivisible Loads – AILs.

It is estimated that the wharf has been used less than 50 times for deliveries during its existence. The last 25 years have seen approximately 10 deliveries. Prior to the building of the private southern haul route in 1990, every load transported effectively closed off the village of Combwich for many hours at a time.

Use of the wharf for these deliveries was not subject to time or operational restrictions and the local community were reasonable, reflecting the fact that it only occurred perhaps once every two and a half years. The Wharf situated at the head of our harbour, was tolerated because the community has generally, always understood its responsibility with regard to the nuclear stations.

3.2

The prospect of the 'original' Hinkley Point C, with its consequent increased need for more AILs, combined with the acceptance that Combwich had more than doubled in population and size since the early sixties, led the Wharf's owners to construct the private road that avoided the village. It was never envisaged that the volume of traffic would encompass the number of AIL imports now proposed, or any 'other goods' deliveries and a major storage facility larger than the village. There is no Goods Wharf at Combwich. Restrictions, as planning conditions, were imposed on use of the new private road to avoid the disturbance of the local residents. At this time (1989) the scale of use now proposed by EDFE was not predicted.

Due to the scale of use now proposed and disturbance created if consent were given, the Council and community would seek an increased level of protection and restrictions, to be recommended by the NID.

3.3

Development of the Abnormal Loads Quay and the proposal for a New Goods Wharf with all the consequent massive increase in use centred in our small rural village, calls for a 'fair' consideration of requirements by the consenting authority that takes disturbance and effect on residential amenity plus other users of Combwich Pill, into account.

Whilst pragmatically understanding EDFE's reasons for AIL importation through Combwich there are a number of issues that require examination and indeed fuller information if an acceptable plan of use is to be initiated, not just considering the developers requirements.

3.4

ISSUES

- Use of Combwich Wharf for AILs.
- Statement of Reasons.
- Number of AILs and delivery schedules.
- Number of other large loads via new Abnormal Loads Quay.
- AIL delivery timing and issues that affect that timing.
- AIL storage.
- Alternative sites for storage.
- AIL Transport issues including traffic implications to develop at Combwich.
- Security concerns.
- Berthing Bed.

3.5

USE OF COMBWICH WHARF FOR AIL IMPORTATION

The Parish Council have some empathy with members of the community who believe any Wharf to be used for AILs should be sited at Hinkley Point itself, through strengthening of the proposed Jetty, or a via a dedicated harbour.

The Statement of Reasons explains EDFEs view that developing a facility at HPC would affect the Special Protection Area in Bridgwater Bay and its exposed position would not be helpful.

OPC do not understand why the closely adjacent SPA to Combwich Wharf, which is in a much narrower and therefore substantially more sensitive position than the Jetty, is not also considered important. It is understood that unloading of AIL's would take place whilst grounded at low tide, therefore it is assumed that the greater exposure of any facility at HPC would not actually be a problem.

What the developer most certainly does not take into account when considering the use of Combwich Wharf compared to one at the HPC site is the position of the Wharf at Combwich Pill and the consequent disturbance and effect on Combwich residents, their amenity and leisure users.

3.6

PARISH COUNCIL SUPPORT FOR AILs IMPORTED VIA COMBWICH

The Council and the majority of our community are reasonable, pragmatic and willing to compromise. The Wharf is there, and its purpose has always been for AIL delivery to Hinkley Point. It is unfortunate that EDFE fail to recognise this level of compromise, and are seeking to maximise use of Combwich and therefore the disturbance to our community.

OPC, together with the District and County authorities, accept that Combwich Wharf will be used for AILs for HPC. The measures required to take account of the disturbance created should be paramount to informing the developer's proposals at Combwich. Unfortunately, for either the developer or the community, and to be considered by the NID, this does not appear to be the case.

Site selection for all the different aspects of the proposed development at Combwich, has centred on the AILs, their storage and transportation needs. This section of the Councils representation will examine the relevant facts but it is the use of, and the number of deliveries via, the proposed new Goods Wharf, that will be the main determining factor in the acceptability of operations at Combwich.

3.7

THE NUMBER OF AIL DELIVERIES

EDFE have always stressed that the number of AILs required for the construction of HPC is a known quantity due to the similar development at Flamanville.

This does not explain why the original number was 120 and this was increased by 50% to 180. The Council have repeatedly questioned the number of deliveries and it was with consternation that 330 AILs for delivery through Combwich Wharf were identified in the DCO Application. Information on this was repeatedly denied by EDFE until just prior to the IPC preliminary meeting when EDFE confirmed the 330 figure was a mistake by them. OPC accept this, however despite asking about the number of large loads which fall outside the AIL designation that needed to be imported through the Abnormal Loads Quay, this information was refused.

Repeatedly information on the number and times of AIL's and large loads has been requested by OPC and EDFE have continuously promised it, only for it to be delayed and not forthcoming. The Transport forum minutes will evidence this. OPC have been waiting over a year for the indicative AIL programme.

Section A1.3.85 of the Statement of Reasons, includes –

The approximate size, quantity and timing of the AIL deliveries is broadly known and has been fed into the analysis.

This information is very relevant, to understand and enable a full examination of the issues. Information on the estimated level of use and timings of proposed 'other goods' deliveries would also help to shed light on the reality of the situation at Combwich.

3.8

THE NUMBER OF LARGE LOADS USING THE ALQ AT COMBWICH

It is not known how many large loads, if any, in addition to the 180 AILs are to be delivered via the Abnormal Loads Quay (ALQ) at Combwich. As mentioned the developer has refused

to answer our queries. However, if there are other large loads to be delivered via the ALQ, these would have significant implications including justification of a new goods wharf.

3.9

WHY THE NUMBER OF DELIVERIES AND LEVEL OF USE ARE CRITICAL

Having accepted that the AILs will be delivered via the Wharf, the Council are willing to seek ways in which we can assist this, the primary purpose of Combwich Wharf to be achieved without placing an unacceptable burden and level of disturbance on residents.

Whatever consents are granted, the co-operation of the local community for possibly 12 years will be essential for an efficient operation.

As previously mentioned, there is only a four year window of opportunity to deliver the required AIL's. There are a limited number of tides available at Combwich that will enable this to be achieved.

If there are only the quoted 180 AILs, then this is possible without having to use tides at unsocial hours including night time and very early morning deliveries.

The Council remind the NID that shipping manoeuvres in and out of the Wharf require a 20 minute period either side of high tide. It is only in the application documents that EDFE have finally admitted that shipping manoeuvres would create significant, unmitigated, major adverse noise impacts. This would be taking place within 40m of where residents are trying to sleep.

3.10

If there are any large loads in addition to the AILs then this will ultimately put pressure on being able to achieve deliveries in the available time frame, using socially acceptable hours and tides for deliveries.

As mentioned, it is the pressure from any unknown large loads and the proposal for the New Goods Wharf and its associated deliveries that would make EDFE's proposals unacceptable.

If consent were to be given for the proposed New Goods Wharf then its use, certainly in the first four years operational period would be severely restricted by the priority given to the necessary AIL's and large loads. (its primary purpose) calling into question the need and viability of the Goods Wharf, especially when the associated flood risk impacts are considered and the availability of the Jetty at HPC.

3.11

Simply the more deliveries at Combwich, the more disturbance and domination of the use of Combwich Pill and any useable high tides by EDFE. Therefore a greater pressure to use unsocial hours, and the more unacceptable are EDFEs proposals.

3.12

ISSUES REGARDING AVAILABILITY OF SUITABLE TIDES AT COMBWICH

The River Parrett estuary on which Combwich stands, dries on every low tide as does Combwich Pill and boat manoeuvres are restricted to the very limited periods when there is sufficient height of water. Combwich would have periods when there are no suitable tides available and therefore no deliveries. Conversely there would be periods when EDFE would want to utilise and dominate every available high tide.

The period of slack water at the height of the tide allows safer and easier manoeuvring when there are few strong currents that occur on this tidal estuary.

This would be in competition with the other leisure users at Combwich for which use of the high tides and slack water are also important.

The level of use proposed by EDFE – 30 tides a month, all of the higher and therefore useable tides, would monopolise use of the Pill by the developer. There are safety and access implications that OPC has covered in Section 2 of their representation.

3.13

The difficulties of berthing at Combwich should not be underestimated. It should be noted that the last AIL delivery for Hinkley Point (October 2010), under the control of official harbour authority pilots, had the barge accidentally hitting the bank at the entrance to the

Wharf on the north bank of Combwich Pill. (worryingly putting in danger the group of children who had gathered there to watch)

It is this potential to affect the safety issues which particularly concerns the Council.

A fuller analysis of the Combwich Pill boating issues is in section 2 of our representation covering leisure use of Combwich Pill.

EDFE have chosen to use Combwich Wharf knowing full well the natural restrictions and issues that pertain here. Instead of taking a reasonable attitude in making allowances for these issues, their proposals to maximise and dominate use of Combwich and the Pill, ignores the valid concerns of the local community.

It is ultimately the NIDs recommendation as to what consent is given and to any requirements necessary for EDFE to operate at the heart of our small rural village.

3.14

AIL STORAGE AT COMBWICH AND ALTERNATIVES

The Parish Council understand that accepting AIL deliveries through Combwich may necessitate some limited storage for AILs. However the need for this should be evidenced and fully justified with alternatives examined and appropriate sites identified.

As with many of the reasons given by the developer for its Combwich proposals, close scrutiny demonstrates that they are conflicting, not evidence based, or both.

3.15

Since originally identifying Combwich as their preferred location for AIL storage, there are three critical considerations revealed in the DCO Application documents that EDFE have ignored when deciding on suitable site selections.

- Lack of compliance with National Policy Statement EN1, by failing to meet the requirements of the PPS25 Sequential Test with regard to Combwich laydown area, as stated by Otterhampton Parish Council.
- The huge Environmental, Social and Economic costs required to develop at Combwich due to the flood risk impacts only revealed in the DCO Application.

- The none load-bearing nature of the sub-soil at the laydown site, resulting in extensive piling operations lasting many months and the resultant unacceptable disturbance to residents, other sensitive receptors such as the School and the community.

These considerations alone should lead to EDFE, re-examining the reasons for the scale and location of the proposed storage at Combwich.

3.16

CONFLICTING REASON FOR AIL STORAGE AT COMBWICH

Section A1.3.84 states the reason a laydown facility would be required at Combwich for AIL's –

The origin of many of the AILs means that they need to be transported long distances by sea, sailings will be booked many months in advance. However their delivery will be subject to fluctuation due to adverse weather conditions and arrival/departure manoeuvres which will be tidally restricted. In recognition of these conditions, the freight laydown facility is proposed at Combwich Wharf to provide a degree of contingency against supply disruption before AILs are transported to the HPC Development site

This reasoning does not actually provide an answer as to why such an unsuitable location as the proposed Combwich laydown site has been selected as opposed to other realistic alternative locations such as Hinkley Point itself, which would not have any transport implications as the AILs would have to travel to HPC – their ultimate destination. Clearly a storage area for AILs is required but it is now apparent that one at Combwich would have huge environmental and transport consequences.

Whilst EDFE may consider that the vagaries of the weather and long sea voyages justify a Combwich storage location for AILs, the facts concerning just where the AILs are actually being shipped to Combwich from, conflicts with the previous reasoning.

The reality is that all AILs will be shipped to Combwich from a locally based major port facility in the Severn estuary, within one days delivery distance of Combwich.

Section 6.3.25 of the Freight Management Strategy states –

Delivery of AILs and other goods will originate from neighbouring commercial ports, most likely from Bristol or the south coast of Wales. These will serve as feeder ports to the receiving facilities at Combwich Wharf.

Any worries about long sea journeys, with sailings booked months in advance and fluctuations due to adverse weather conditions, meaning AILs must be stored at Combwich are not justified.

3.17

USE OF BRISTOL CHANNEL PORT FOR INTERIM AIL STORAGE

Indeed an alternative opportunity for AIL management requiring limited storage at Combwich or Hinkley Point, would be to use a major port facility such as Bristol for interim storage. All AILs will have to be unloaded, and probably stored, at a major port before being loaded onto a barge for the short coastal trip to Combwich.

The Parish Council have worked closely with the Bristol Port Company with regards to their major habitat creation scheme near Steart that would enable them to build a deep water container port at Avonmouth. Visits to the Port of Bristol confirm that they have both the capacity and capability to store the quantity of AILs required for HPC indefinitely.

This possibility combined with use of the Wharf access road (with perhaps adjacent lay-byes) for AIL storage may render the need for an extensive laydown area with such expensive implications, redundant.

3.18

POSSIBLE USE OF HINKLEY POINT A SITE

The situation regarding use at Combwich has been under discussion for 2 years and following EDFEs submission of the application to the IPC these issues are still debated. Current considerations by the developer are still not clear but alternatives to storage at Combwich may be a possibility, as the minutes of the December 11 meeting of the Transport Forum show: –

5.6 JM (OPC) said that AILs will be transported by barges from Cardiff and Bristol to Combwich and suggested that EDFE make use of those docks to hold material until it is needed rather than shipping it to Combwich and storing it on the laydown area.

5.8 DE (EDFE) confirmed that no decision has yet been made relating to the use of Combwich. He explained that EDFE has made plans for the worst-case scenario but hopes they are not required.

5.7 AR (EDFE) explained that alternative storage is also being considered, including the main site, to see what can be used there particularly in terms of the turbine hall.

These comments encourage the Parish Council that their suggestions for use of the HPC site and the possibility of available land at the neighbouring nuclear sites for storage are now being considered.

It would be helpful if more information on this were available to allow a full examination of the issues.

3.19

WHY 3.1 HECTARES FOR AIL STORAGE? JUSTIFICATION REQUIRED

30% of the laydown area – 3.1 hectares is to be dedicated to AIL storage. This is the size of almost 7 full size football fields. Information on the justification for this amount is not revealed in the DCO Application. Again the indicative AIL programme would help an understanding of the situation if it were made available as promised some time ago.

According to EDFE there are 180 AILs to be delivered to HPC via Combwich Wharf. We are told some will be delivered straight to site but no details have been made available.

The Wharf will be constructed and operational a year before the laydown facility is built. Considering the pressure to deliver the AILs in a four year time frame it is likely that this 12 month period would be utilised for AIL deliveries and therefore where would they be stored?

3.20

LENGTH OF TIME INDIVIDUAL AILs STORED

Volume 7 Combwich – Chapter 4, Section 4.4.4 with regard to AIL storage states –

It is estimated that individual AILs could be stored at the freight laydown facility for up to 5 months.

It is unlikely that more than ten AILs could be delivered in a month. Therefore considering individual AILs would only be stored up to 5 months this indicates that the maximum number of AILs required to be stored at Combwich would be up to 50 at a time.

The AILs would come in different sizes and weights, but OPC consider 3.1 hectares (equivalent to 6 to 7 football fields) to be excessive. A football field should be able to contain more than only 7 average size AILs if efficiently stored.

There are concerns that a certain amount of over capacity on the laydown area is being proposed to allow use of the area at Combwich for road freight use.

3.21

TRAFFIC IMPLICATIONS OF A STORAGE AREA AT COMBWICH

EDFE are stating in the DCO Application documents that there is no alternative to using Combwich for AIL storage due to the transport implications created by the use of any other viable location.

Importantly what EDFE have failed to do (and are required to do by the PPS25 Sequential Test) is compare the flood risk impacts of sites. This would include any transport implications to build flood protection measures.

Therefore establishing just what the traffic implications for a laydown area at Combwich are, enabling the required comparison, is essential and has not been comprehensively detailed by the developer.

3.22

The transport implications to develop just the laydown storage facility are daunting. Unfortunately it appears that again the limited information available from EDFE is misleading. The difference between the number of loads and the number of HGV movements required to move a load is normally 100%. Therefore when EDFE state in –

Volume 7 Combwich – Chapter 5, section 5.5.3

It is estimated that approximately 403,680 tonnes of materials would be removed from the freight laydown facility during this phase. Approximately 22,500 vehicle movements would be involved in the transfer of this material off site.

OPC consider that the actual number of HGV movements is probably 45,000, using the standard size of HGV utilised elsewhere in the project, just to remove the raised platform.

To develop (build and remove) the laydown area including the raised platform would require materials transported on the Somerset highways, totalling approximately 810,000 tonnes needing 90,000 HGV movements.

These are the real transport implications that should be used when comparing alternative sites for storage.

What OPC have yet to discover is

- Where the materials will be sourced?
- Where the possibly contaminated material will be taken after use?
- If the source is the Mendip quarries, what route will be used?
- How many and when will HGVs travel through Bridgwater and Cannington?
- How many will be delivered before the Cannington by-pass is built?
- The Highways Agency views on these matters.

Answers to these queries should be provided by EDFE to assist the necessary examination.

3.23

HIGHWAYS AGENCY

There are many lengthy passages in the DCO Application documents regarding EDFEs understanding, of the requirements of the Highway Agency.

The reality is there has never been any problem about the Agencies main concern, that the AILs should be imported by sea at a point closest to HPC, thus avoiding the main highway network. It has generally been accepted by all the authorities including OPC that Combwich Wharf will be used for the importation of the AILs.

Should the materials needed to develop the storage facility at Combwich, indeed come from the Mendips, then this will impact the highway network, possibly involving the A38 and M5 motorway. As mentioned it would be helpful to know the Highway Agencies opinion.

3.24

ALTERNATIVE LOCATIONS FOR AIL STORAGE

There are actually 3 alternative locations for AIL storage that the developer could consider.

- Hinkley Point – (HPC or possibly HPA).
- CAN-B site.
- Greenfield location adjacent to C182 between Combwich and HPC.

3.25

HINKLEY POINT

Wherever the AILs are stored they will have to end up at HPC eventually. Delivery from Combwich Wharf straight to site has always happened previously and must be the preferred option.

There would be no traffic implications for this option with a Hinkley storage site in Flood Zone 1.

It is for the developer to plan the huge HPC site and prioritise areas of use as they see fit. However when this inflicts the level of disturbance on communities, such as proposed at Combwich, then it is only correct that their decisions are examined and questioned.

Is the HPC site of sufficient size and capacity to adequately contain the capacity and functions necessary for construction?

Do EDFE need to obtain more development land at HPC?

One of the factors for the location of HPC is its situation next to HPA and HPB. It is surely desirable that where possible land available at these nuclear stations should be utilised to assist in the construction of HPC, before greenfield locations affecting local communities are impacted.

Information on the potential use of land at HPA AND HPB sites should be revealed by the developer.

3.26

CAN-B SITE

EDFE accept that CAN-B is a viable site and is located in Flood Zone 1. It was originally turned down by EDFE on the basis of traffic implications for the AILs.

CANN-B is only approximately 200m from the Combwich Wharf access road.

- The traffic implications are negligible when compared to those for a Combwich location.
- Up to 180 extra applications to the Highways Agency for AIL movements over 4 years.
- 400m additional distance travelled on the highway for each AIL.

3.27

GREENFIELD LOCATION BETWEEN COMBWICH AND HPC

Travelling past Combwich towards HPC, the C182 climbs out of Flood Zone 3 and predominately passes through Flood Zone 1 areas, which would not require the massive

engineering works needed at Combwich. There are many greenfield locations adjacent to the C182 remote from residential communities.

There would be no extra distance for the AILs to travel and the transport implications would only be up to an extra 180 AIL movement applications over a 4 year period to the Highways Agency.

3.28

SITE SELECTION

It almost appears as though the developer decided on Combwich as the site for storage regardless of the facts, and the possibilities of alternative locations. The major implications due to measures required to combat flood risk must cast doubt on the viability and justification for many of EDFEs Combwich proposals and have not featured in the considerations regarding site selection.

3.29

SECURITY CONCERNS AT COMBWICH

EDFEs proposals for Combwich bring with them the prospect of protesters, disturbance and perhaps worse. The Parish Council have real concerns about security, particularly regarding the AILs.

Following the recent activities at HPC, it is reasonably foreseeable that conflict may occur at Combwich. This is no ordinary development. It is for 2 nuclear power stations. The Council do not wish to spell out the consequences. Where possible OPC will hold EDFE liable for impacts in Combwich, resulting from their development, should consent be granted.

These are serious matters with serious consequences. The Council do not want our residents put onto the 'front line'. Some development is better placed behind the security at the main site.

3.30

PUBLIC SAFETY

The Parish Council are keen to ensure that where operations are carried out at Combwich, full consideration will be given to Public Safety. Working methods should take into account they are sharing the environment with others, particularly on the river and at Combwich Pill.

3.31

BERTHING BED AT COMBWICH WHARF

There are few residents that consider the Wharf enhances the visual appeal of our harbour at Combwich. For over 50 years this concrete edifice has disfigured the outlook from Riverside.

EDFEs proposal is for a permanent concrete berthing bed, extending from the Wharf and being raised to a height of 2.6m AOD. When the tide is out, which is most of the time, this monstrosity will further visually impair the landscape aspect at the heart of our village.

OPC understand the need for the bed to assist the AIL deliveries for the operational period required but why a permanent structure? The Wharf has operated for 50 years without this proposal and it could operate again once the AIL operations for HPC are complete. The Parish Council would accept a temporary measure but object strongly to a permanent berthing bed.

For almost 2 years the Council have outlined their concerns to EDFE and the documents in the DCO Application show, these have not been listened to, or acted on.

There are 2 further possible problems that have been pointed out to EDFE regarding the berthing bed.

- At 2.6m AOD in height it would create an underwater hazard near the entrance to Combwich Pill.
- The geomorphology of the area could be affected and there may be impacts elsewhere in the vicinity. The Parish Council are the landowners of Combwich

Common and village green, which fronts onto the north bank of Combwich Pill. An effect could also be a build-up of mud deposits silting up the harbour entrance.

3.32

CONCLUSION

The AILs will be delivered for the HPC project, should consent be given, through Combwich Wharf. Thus the primary purpose of the Wharf will be accomplished.

It is perfectly feasible that this could occur without undue disturbance during daytime hours. However EDFEs determination to maximise their use of the Wharf and other proposals at Combwich, would necessitate the use of unsocial hours. Combwich is not a large industrial port. It is a small rural village.

Use of the Jetty at Hinkley Point for other goods, and the revelation of significant flood risk impacts and their consequences to store goods at Combwich, should lead EDFE into reevaluating their proposals and consider alternatives.

OPC support the developer concentrating on AIL deliveries through Combwich.

COMBWICH LAYDOWN AREA SEQUENTIAL TEST AND FLOOD RISK

4.1

INTRODUCTION

It will be demonstrated that Flood Risk, its considerations and impacts has played no part in site selection for EDFE's proposed development at Combwich laydown area.

This is not only surprising but considering the impacts (section 4.51) any such development will have at Combwich, flood risk emerges as the critical factor.

The PPS 25 Sequential Test has been 'hijacked' by the developer. It will be shown that the Overarching Flood Risk Assessment Report, provided by EDFE to contain the evidence to demonstrate the PPS 25 Sequential Test at Combwich laydown area, provides no assessment of impacts, or the essential flood risk comparison.

The developer has failed to recognise that PPS 25 and its principal tool, the Sequential Test, is primarily concerned with flood risk and that the aim is to avoid **inappropriate development** in areas at risk of flooding and to **direct development away from areas at higher risk**.

Consideration and comparison of a developments flood risk, and the impacts from measures to overcome that risk, is at the core of the Sequential Test.

4.2

The Council will show that EDFE has (regarding PPS 25) failed to evidence the –

- Flood Risk Considerations and impacts of the Combwich laydown site.
- Comparison of alternative sites. (apart from CAN-B, and there ignoring flood risk, other than stating its flood zone)

And that they

- Unilaterally restricted the search area for alternative sites.
- In their Overarching Flood Risk Study (July 2010), made misleading statements and decisions, contrary to PPS 25, that dictated their plans, and has led to the unfortunate situation they now find themselves in.

Indeed the developer's actions have been to concentrate on their own operational considerations and requirements, appearing to avoid either deliberately or by omission the sites essential flood risk considerations in the Overarching Flood Risk Assessment Report (OFRAR) that supported the DCO Application and was claimed to evidence the Sequential Test.

After the Stage 1 consultation period, by making claims (incorrectly) regarding the site 'implicitly passing' the Sequential Test, that the Environment Agency confirmed this (misquote), EDFE avoided the identification of other reasonably available sites.

EDFE, Failed to-

- Discuss with the LPA, at an early stage an appropriate search area for alternative sites.
- Unilaterally claimed that the 'nature of the development precludes the identification of reasonably alternative sites'. (The Council wish to point out that the nature of the development is 'storage' and that EN6 shows that even the main nuclear sites underwent the Sequential Test and the identification of alternative sites).
- Comply with PPS 25 requirements.

4.3

The IPC should not consent development (National Policy Statement EN1) unless it is satisfied that the requirements of the PPS 25 Sequential Test for the HPC Associated Development proposals known as Combwich laydown area, are met.

The IPC requires confirmation from the Local Planning Authority (LPA), Sedgemoor District Council (SDC), that the Sequential Test is demonstrated for the site but the developer (EDFE / NNB GenCo) has failed to provide evidence required to demonstrate a PPS 25 Sequential Test.

4.4

Otterhampton Parish Council (OPC) will show and explain where, with reasoned evidence, that EDFE have failed to provide the evidence in accordance with PPS 25 that would enable the LPA to demonstrate the Sequential Test, and that therefore the IPC should not consent this development.

4.5

THE ISSUES

The issues raised are comprehensive and complex. OPC will follow a logical sequence in explaining these issues and how EDFE have failed to comply with the requirements of PPS 25 and Standing Advice from the Environment Agency.

OPC will cover -

- Policy requirements under NPS EN1, PPS 25, the appropriate practice guide and Standing Advice.

- The need to liaise with the LPA and the lack of agreement at a relevant stage, with regards to an appropriate search area for the various functions at Combwich. The developer has failed to follow PPS25 and Environment Agency standing advice.
- The lack of identification of other reasonably available sites due to EDFE's unilateral decision on the requirement for a search area, ignoring obvious alternatives such as the destination location of all the goods at the nearby Hinkley Point sites.
- The inconsistencies, conflicting stances, misquotes, misleading statements and actions by the developer in the various Flood Risk Studies and the Overarching Flood Risk Assessment Report. These fail to provide the necessary evidence to enable Sedgemoor District Council to demonstrate a Sequential Test for the Combwich laydown location.
- The changing recognition of the reasonably available site at CAN-B and how EDFE failed to consider flood risk as required by PPS 25 when comparing sites.
- Lack of flood risk comparison or detail with regard to site selection. Particularly in the Overarching Flood Risk Assessment Report which EDFE claim to evidence the demonstration of the Sequential Test.
- An examination of the flood risk circumstances and impacts at Combwich (For comparison purposes as required by PPS25) and the implications resulting from EDFE's proposals there.

4.6

NATIONAL POLICY STATEMENT EN1 SECTION 5.7 FLOOD RISK

NPS EN1 generally follows PPS 25, both in its wording and policy. However there is a difference as shown below.

- A concession regarding an increase in flood risk elsewhere, exceptionally where it cannot be avoided or mitigated.

It is believed there will be an increase in flood risk elsewhere due to the laydown area and Section 5.7.17 of EN1 applies.

What it **does not do is relax requirements regarding the PPS 25 Sequential Test**. Indeed EN1, seeks to ensure that the requirements of the Sequential Test have been met and directs the decision maker, that it should not consent development in flood zone 3 unless those requirements have been met.

The Parish Council are clear that EDFEs proposals for development of a laydown area at Combwich have failed to meet those requirements (as outlined in PPS25 and the Environment Agency standing advice). The developer has made a fundamental mistake by not complying with and indeed in places appearing to subvert the basic provisions of PPS 25.

4.7

The Sequential Test is about flood risk, seeking to identify alternative locations at an early stage, through scoping out a suitable search area following discussions with the Local Planning Authority. Then comparing the flood risk impacts during site selection. EDFE appear to have unilaterally decided a very limiting search area (between the Wharf and the C182 at Combwich, conveniently forgetting the alternative CAN-B site until prompted by OPC), basically ruling out the identification of any alternative site and therefore subverting the principles behind the Sequential Test.

Developers throughout the country would always be seeking to minimise any search area, and therefore limiting development options to only its site, should this be allowed to happen. The construction of HPC is a high profile case, with a powerful developer seeking consent for an associated development. Despite the recent introduction of NPS EN1, the Sequential Test still has to be complied with. It is not optional and importantly with this development, must be seen to be complied with.

What makes this development at Combwich so relevant is that it is in a high probability flood zone, and it is now apparent that the flood risk impacts to safely develop there are huge. This questions the whole rationale and justification of storage at Combwich. The flood risk impacts are outlined in Section 4.51 of this representation.

Section 5.7 of EN1 deals with Flood Risk and NID decision making including the Sequential Test.

Circumstances like Combwich are exactly the reason PPS 25 and its principal tool, the Sequential Test was introduced by the government **to prevent inappropriate development**.

NPS EN1 5.7.3 states -

*The aims of planning policy on development and flood risk are to ensure that flood risk from all sources of flooding is taken into account **at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at higher risk**. Where new energy infrastructure is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and, where possible by reducing flood risk overall.*

Preference should be given to locating projects in Flood Zone 1 in England.

NPS EN1 5.7.13

Preference should be given to locating projects in Flood Zone 1 in England or Zone A in Wales. If there is no reasonably available site in Flood Zone 1 or Zone A, then projects can be located in Flood Zone 1 or 2 or Zone A or B. If there is no reasonably available site in Flood Zones 1 or 2 or Zones A or B, then nationally significant energy infrastructure projects can be

located in Flood Zone 3 or Zone C subject to the Exception Test. Consideration of alternative sites should take account of the policy on alternatives as set out in Section 4.4.

4.8

IPC (NID) TO CONSIDER ALTERNATIVES

Section 4.4 of EN 1 makes clear (Bullet point in 4.4.2) that with regard to Section 5.7 – Flood Risk, there is a policy requirement to consider alternatives.

4.9

IPC DECISION MAKING

Section 5.7.9 EN1 –

In determining an application for development consent, the IPC should be satisfied that where relevant: the Sequential Test has been applied as part of site selection.

Section 5.7.12 EN1 – re the IPC (Secretary of State)

It should not consent development in Flood Zone 3 or Zone C unless it is Satisfied that the Sequential and Exception Test requirements have been met.

Footnote 115, EN1 –

When making the application, the applicant should justify with evidence what area of search has been used in examining whether there are reasonably available sites. This will allow the IPC to consider whether the Sequential Test has been met as part of site selection.

4.10

WHY THE PROPOSED COMBWICH LAYDOWN DEVELOPMENT REQUIRES A SEQUENTIAL TEST

The Council will show that the Sequential Test needs to be applied and demonstrated for the proposed Combwich laydown facility.

4.11

At Combwich the site for the proposed laydown facility is a rural greenfield location outside the development boundary,(development should be strictly controlled) in a high probability flood (zone 3) area and has not been previously Sequentially Tested under a local development document.

PPS 25 Annex D – D1

The risk-based Sequential Test should be applied at all stages of planning. Its aim is to steer new development to areas at the lowest probability of flooding (zone 1).

PPS 25 Practice Guide Section 4.25 – begins –

‘Where a site has not yet been Sequentially tested in the LDD, The Sequential Test will need to be applied at the individual site level’.

PPS 25, Practice Guide, Section 2.33. b,

*Where the Sequential and Exception Tests have not been applied to the LDD and the site is within an area at risk of flooding; the developer will need to provide reasoned evidence in the Flood Risk Assessment (FRA) for the location of the proposed development. This justification must explain how the development would meet the requirements of the Sequential, and where necessary the Exception Tests. It is the role of the local planning authority to carry out the actual test however, based on this **and it’s other sources of information.***

PPS 25 4.24

Where applications are brought forward on sites not allocated in the plan, LPA’s should consider the flood risk implications of the proposal, including applying the Sequential Test

4.12

The need for a Sequential Test was highlighted in the Sedgemoor / West Somerset District Council Stage 2 report Section 14.8.5 stating – *Confirmation of compliance with both the Sequential and Exception Tests are crucial for this development site to confirm that it is optimum choice of site given the residual flood risk.*

4.13

Therefore it is concluded that a Sequential Test is required to be demonstrated for the Combswich laydown location and proposals. If it fails to be demonstrated then the NID (Secretary of State) should not consent the development.

4.14

PPS 25, THE PRACTICE GUIDE, ENVIRONMENT AGENCY STANDING ADVICE AND DEMONSTRATING THE FLOOD RISK PPS 25 SEQUENTIAL TEST

Proof of evidence as provided by the developer to enable the LPA to pass a Sequential Test for Combswich needs to be much more than the self-certificated, tick a box, situation provided in the Overarching Flood Risk Assessment Report that supports the DCO Application.

4.15

EA STANDING ADVICE

The Environment Agency provides standing advice to both developers and Local Planning Authorities on how to demonstrate the flood risk PPS 25 Sequential Test.

EDFE should provide the evidence to enable SDC to demonstrate the Test in accordance with PPS 25. The general requirements to demonstrate this are outlined in the Advice issued by the Environment Agency (PPS25 FRSA (National) Version 2.0 Advice issued on 27th January 2009 and version 3 issued on 24th January 2011)

PPS 25 section 4.19 – comments on available EA advice.

PPS25 Practise Guide 2.51 comments on the standing advice available to developers.

4.16

DEMONSTRATING A SEQUENTIAL TEST

Environment Agency standing advice -

The Sequential Test can be considered adequately demonstrated if **both** of the following criteria are met.

- The Sequential Test has already been carried out for the site at the strategic level (development plan) in line with paragraph D5 and D6 of PPS 25 **and**
- The development vulnerability is appropriate to the Flood Zone (Table D1 PPS 25)

4.17

It will be shown that there was an unexplained change by the developer after the Stage 1 consultation, leading to statements regarding its position on the Sequential Test(not in accordance with PPS 25) and resulting in the Environment Agency reporting that EDFE had ‘misquoted’ them. These will be examined In Section 4.28 but OPC in seeking to understand the inconsistent and mistaken stance taken by EDFE believe it possible that the developer may have misunderstood that the Sequential Test was implicitly passed due to satisfying the second part of the requirements (Development vulnerability is appropriate to the flood zone). This may also explain the lack of required discussion with the LPA regarding search areas, uses at the location and identifying reasonably available alternative sites. However it may not.

4.18

The situation regarding appropriate vulnerability designation is not at this point disputed by the Parish Council although at a meeting with EDFE on 28th October 2010, their designation

of the laydown facility being 'essential infrastructure' was challenged and we now note this has been changed to 'low vulnerability'.

4.19

It is clear that a PPS 25 Sequential Test is required for the Combwich site and therefore Stages 2 and 3 regarding the EA advice –

- Defining the evidence base
- Applying the Sequential Test

Are required.

4.20

DEFINING THE EVIDENCE BASE

Environment Agency Standing Advice shows -

In defining the evidence base, the following information would be required –

- The geographical area over which the test is to be applied.
- If greater or less than the district boundary, justification why the geographical area for applying the test has been taken.
- Identifying the source of reasonably available sites.
- Stating the method used for comparing flood risk between sites.

It can be seen that lack of discussion on these vital issues with the LPA at an appropriate time would seriously undermine seeking and identifying alternative sites and therefore the main reason for a PPS25 Sequential Test – *'to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at higher risk'*

As will be shown ,there was a distinct lack of discussion regarding the Sequential Test with SDC. (Section 4.22)

The importance of alternatives should not be underestimated due to the high flood risks inherent at the Combwich site and the huge resultant impacts (over 100,000 HGV movements on the Somerset Highways, to transport the materials – over 930,000 tonnes) to develop at Combwich mostly to counter those flood risks.

4.21

REQUIREMENTS FOR DISCUSSIONS WITH THE LPA

Environment Agency Standing Advice recommends early discussion with the LPA and before starting work on a flood risk assessment (FRA) FRA Guidance Note 3 advises applicants to contact the LPA and discuss how the flood risk Sequential Test as set out in PPS 25 will affect the proposed development.

PPS 25 Practice Guide 4.28 States –

Developers seeking to develop in flood risk areas should undertake pre-application discussions with the LPA, Environment Agency and other relevant stakeholders to scope out the availability of other sites that would meet the functional requirements of the application, and what evidence will be needed to show that consideration has been given to alternative locations in lower risk areas, so that the LPA can properly apply the Sequential Test.

PPS 25 Section 34 begins –

Proposers of development which may be affected by, or may add to flood risk should arrange pre-application discussions with the LPA and Environment Agency,..... Such discussions should identify the likelihood and possible extent and nature of the flood risk, to assist in scoping the FRA and identify the information that will be required by the LPA to reach a decision on the application when it is submitted.

4.22

Clearly discussions at an appropriate stage with Sedgemoor District Council should have been sought by EDFE in order to agree on an appropriate Search area for the various functions proposed at Combwich.

Section 4.6.1 of the OFRAR and Table 4.1, that supported the DCO Application revealed no meetings between EDFE and SDC regarding the Sequential Test, relevant search areas and reasonably available sites.

In the Sedgemoor District Council relevant response (Page 57) on the DCO Application to the IPC, the LPA specifically states that –

The Council objects to lack of consultation with Local Planning Authority on whether proposals for Associated Development sites pass the Sequential and / or Exception Test as set out in Planning Policy Statement 25.

4.23

By unilaterally limiting the search area, EDFE made it difficult to identify any reasonably available alternative sites and thereby undermining the function of a Flood Risk Sequential Test.

The lack of discussion with the LPA has meant a wider, more appropriate search area has not been undertaken by the developer for the various functions proposed at Combwich. The evidence presented by a developer to demonstrate a Sequential Test needs to be more than self-certificated, and OPC state this is one example in which EDFE have failed to satisfy the requirements of a PPS 25 Sequential Test.

4.24

APPLYING THE SEQUENTIAL TEST, SITE COMPARISON

Environment Agency Standing Advice -

When applying the Sequential Test sites should be compared in relation to –

- Flood Risk.
- Development plan status.
- Capacity.
- Constraints to delivery.
- Policy Restrictions.
- Physical problems or limitations.
- Potential impacts of the development.
- Future environmental conditions experienced at the development.

4.25

OPC will show in Section 2.9 EDFE failed to compare the viable alternative, CAN-B site (dismissed after the Stage 1 consultation) as required by PPS 25. Indeed the OFRAR that supports the DCO Application and provides the evidence to demonstrate the Sequential Test completely ignores flood risk and its potential impacts for both the Combwich and CAN-B site, apart from stating the flood zones.

The developer has completely failed to understand that the PPS 25 Sequential Test is actually about flood risk and uses it at Combwich as an opportunity to state their operational requirements and convenience.

4.26

MISQUOTES, MISLEADING STATEMENTS – EDFE AND THE SEQUENTIAL TEST

As shown, the lack of discussion by EDFE with the LPA at the early flood risk planning stages can have significant consequences, such as the developer unilaterally deciding a restrictive and inappropriate search area.

However at the commencement of the Stage 2 Consultation, the developer decided on what can only be described as a bizarre direction with regard to Combwich and the Sequential Test.

4.27

The CAN-B site was considered at the Stage 1 Consultation as a site for freight logistics / Storage site.

In the Stage 2 Consultation document, Explanations and Assessments, section 4.4.8 – with reference to Combwich Wharf

*– Consequently, land adjacent to the Wharf for a freight logistics / storage facility was required and **no alternative sites were considered for this given the need for it to be sited adjacent to the Wharf***

As shown, this statement is both baffling and wrong. It has been suggested that EDFE may have been trying to conveniently forget that other sites for a storage facility may exist, including the most obvious and sensible one being at Hinkley Point – The ultimate destination.

The questions EDFE were possibly seeking to avoid, concerned PPS 25 considerations, the search area for alternative sites for the storage facilities and the requirements of the Sequential Test.

This became apparent with EDFE's statement in the Overarching Flood Risk Study Report in July 2010. Section 8.1.3

- It has been confirmed by the Environment Agency that -

The Sequential Test is implicitly passed for the refurbishment of Combwich Wharf and the development of an associated freight logistics and storage facility since the nature of the development precludes the identification of reasonably alternative sites.

4.28

Otterhampton Parish Councils response to EDFE's preferred proposals consultation, (IPC have a copy) Section 7, Flood Risk Issues, challenged this statement in some detail.

A meeting between the Environment Agency and the Parish Council confirmed that the Agency had been misquoted by EDFE.

Appendix B Combwich Wharf, section of the Environment Agencies representation to the Stage 2 consultation states -

Comment: Our role in the sequential test process has been misquoted. Please note that it is not the Environment Agencies role to pass the sequential test. This is for the determining planning authority to determine. We have concerns that the proposed development intends to develop in a high risk flood area and recommend that if a development occurs in this area it is kept to a minimum.

Unfortunately the Agency have had to comment again in their recent relevant representation (1.1.B1 Issue) on the DCO Application that –

NNB Genco have highlighted that meetings with us occurred to discuss the Sequential Test. This is not entirely the case and we are concerned that this will potentially lead to confusion about our role.

4.29

However, with regard to flood risk, search areas, alternative sites and the Sequential Test there are serious consequences and no factual basis to EDFE's unilateral statement that

The Sequential Test is implicitly passed for the refurbishment of Combwich Wharf and the development of an associated freight logistics and storage facility since the nature of the development precludes the identification of reasonably alternative sites.

4.30

The Combwich Site is in flood zone 3, and has not been subject to a Sequential Test in a LDD.

PPS 25 does not contain any criteria that enable the Sequential Test to be implicitly passed in this situation.

The nature of the development is a **Storage facility!**

It should be noted that the main HPC site had to undergo the PPS 25 Sequential Test (EN 6)

4.31

The Summary in the developers Overarching Flood Risk Study Report 10.1 Stated –

Consultation with the Environment Agency confirmed that the Sequential Test is implicitly passed for the following off-site associated development sites:

- *Junction 24 park and ride and freight logistics facility:*

- *Combwich Wharf and freight logistics and storage facility:*
- *Cannington Bypass:*
- *Williton park and ride: and*
- *Hinkley Point Campus.*

This is again incorrect, both as to the Environment Agency role and confirmation, and the fact that the Sequential Test for Combwich was not implicitly passed.

The OFRAR that supports the DCO Application does not suggest that the Test for Combwich is implicitly passed, indeed it shows that a Sequential Test for Combwich and any associated development site not in flood zone 1 is required.

Section 8.4 and Table 8.1 of the OFRAR again quotes the Environment Agency and again the Agency as mentioned in Section 4.28, has to respond in its representation on the DCO application, to avoid confusion as to its role as portrayed by EDFE.

4.32

MISINTERPRETATION AND EDITING OF PPS 25 TO MISLEAD

Section 8.4 of the Overarching Flood Risk Study Report (July 2010) is a prime example of EDFE, selectively quoting and editing parts of a section of the PPS 25 Practice Guide, misleading and reinterpreting the advice on port facilities from its true intention, to one that is more in-line with EDFE's requirements.

What EDFE said –

With respect to the co-location of the freight logistics and storage facility and the wharf, guidance relating to storage facilities at ports and wharves is provided within the latest PPS25 Practice Guide (Ref 2) and the updated PPS25 (Ref 1).

Reality – There is very limited guidance in PPS 25 relating to co-location of storage facilities at ports and wharves and what there is, applies to tank storage facilities!

EDFE – PPS 25 Quote-

Planners should have regard to the need to locate some bulk storage facilities such as oil products and chemical substances which require Hazardous Substances consent next to port facilities.

And

“Where there is a need to co-locate this type of development with port facilities such as wharves and existing infrastructure, then this type of facility will need to be classified as ‘Essential Infrastructure’.....The Exception Test would need to be passed....”

Reality –

Again this quote is about Tank storage facilities. The actual section from which EDFE's selective quotes are taken is Sections 4.83 to 4.86 of the PPS 25 Practice Guide, titled Tank Storage Facilities. It is not believed that storage requirements at Combwich actually relate to Tank storage.

What EDFE do not do is to quote the qualifying sections which throw a different light on the statements and illustrates the stringent requirements to site even tank storage facilities next to Ports.

Section 4.85

“Where there is a need to co-locate this type of development with port facilities such as wharves and existing infrastructure, then this type of facility will need to be classified as ‘Essential Infrastructure’. To be considered as ‘Essential Infrastructure’ the Sequential Test must show that there are no other reasonably available sites in areas of lower flood risk on which they could be located and still provide the functions and operational requirements they are intended to provide. This should be applied to a wide area possibly across several regions or nationwide for highly specialised facilities. The Exception Test would then need to be passed with evidence provided that the need for the development outweighs the flood risk; that they would remain operational and safe at times of flood and would not increase flood risk, and would not impede water flows. The development must satisfy these tests in order to be permitted.

And importantly, Section 4.86

The need for location at a port must also be demonstrated, including an explanation of why a development cannot be located remotely in a site of lower flood risk and linked by pipeline, for example. If it is shown that there is no need for co-location with other facilities such installations should be treated as highly vulnerable.

OPC feel the true intention of PPS 25 and the location of facilities at ports are adequately demonstrated in 4.86.

4.33

CONSEQUENCES

What is clear is that from July 2010 the developer, incorrectly believed, and behaved as though the Sequential Test for Combwich was passed. The consequences of this may explain –

- The lack of discussion with the LPA.
- Statement that no alternative sites were considered for the Combwich storage area.

- The unilateral decision to restrict the search area and therefore the lack of alternative sites for comparison.

and

The lack of consideration of flood risk at Combwich evident in the developers -

- Statement of Reasons
- Search area
- Site selection process
- Evidence provided to demonstrate the Sequential Test

However they may not.

4.34

SITE SELECTION AND THE LACK OF FLOOD RISK CONSIDERATION BY EDFE.

Considering Flood Risk at Combwich has been the subject of numerous reports and had such an extensive examination, its absence from the EDFE decision making process is remarkable.

As will be shown when examining the CAN-B site decision, the requirements of the Sequential Test to compare flood risk and impacts were non-existent and contrary to PPS 25, and any consideration that preference should be given to locating development in flood zone 1 (CAN-B site) was missing.

4.35

The Parish Council understand that site selection is not just about flood risk. However in a high flood risk location such as Combwich it must be a major consideration, but it is completely absent, even in the Sequential Test. It will be shown that **only the developer's operational requirements and convenience** featured in their site selection process.

4.36

Site selection for the Combwich proposal is covered in a number of documents that make up the DCO Application.

The statements however are conflicting and confusing. It has already been shown that despite the CAN-B site being considered this was ignored by , Explanations and Assessments, section 4.4.8 which states that - ***no alternative sites were considered for this given the need for it to be sited adjacent to the Wharf.***

The point here is that in January 2010 EDFE were quite happy to promote an alternative site for the location of storage areas remote from the Wharf. Indeed (as shown in 4.43) the advantages of a remote location such as CAN-B were clearly stated. This makes a mockery of

EDFE's position in July 2010 that no other sites were considered and '*the nature of the development precludes the identification of reasonably alternative sites.*'

So by July 2010 EDFE had adopted the 'de-facto' position that for the Combwich laydown site, the Sequential Test was 'implicitly passed', other alternative sites were precluded from being identified because of the nature of the development and that no other sites were considered. As OPC have shown this was all **incorrect**.

4.37

HAS FLOOD RISK INFORMED THE DEVELOPERS DECISION

Close scrutiny of the Alternative Site Assessment (appendix 3, HPC Planning Statement) shows that the developer concentrated on the AIL issue and that the other functions of the Combwich proposal were 'tagged' onto the main AIL requirements. In reality the AIL storage would only be 30% of the total area.

However the Combwich proposals were subjected to what is known as a Filter 1 process which purely looked at the developer's operational criteria and requirements. The developer unilaterally decided that the filter 1 results showed that Combwich was the only suitable site in operational and locational terms. Conveniently they did not subject the Combwich location to what is known as a Filter 2 process because they decided it was not necessary or appropriate.

The Filter 2 process looks at 'Planning and Environmental criteria' !

Volume 7 of the Environmental Statement, Combwich, Chapter 6, Alternatives, Section 6.2.11 states

In all aspects of the alternative site selection process, positive and negative attributes of the sites were considered, including factors such as proximity to the HPC project site, local planning policies, highways and transport considerations especially relating to the transport of AIL's, and the likely availability of development sites.

OPC have yet to find an example where a negative aspect of the Combwich site was considered important in the site selection process, but we can be certain that a major negative aspect- Flood Risk and its impacts – did not feature, anywhere in the process, including the Sequential Test evidence provided by EDFE.

4.38

One would expect that an assessment of the Combwich sites flood risk and impacts would be in the OFRAR that provides the developers evidence for the Sequential Test, but no, even here there is no comparison of Combwich concerning flood risk with the site at CAN-B that even EDFE admit is a viable site.

The 'Statement of reasons' document does not refer to flood risk but it does actually refer to significant major noise impacts, but considers them as relatively limited when considered against the established use of the facility as a wharf (Actually considerably less than 50 deliveries since its construction in 1959 – OPC).

4.39

The conclusion is that at no point did the dramatic impacts of Flood risk at Combswich feature in the site selection process and incredibly as we will show in Section 4.46 and 4.47, not even in the OFRAR. The concentration on operational requirements of the developer was total.

4.40

MATERIALS (LAYDOWN AREA ADJACENT TO WHARF NOT ESSENTIAL FOR OTHER CONSTRUCTION EDFE)

Again there are a number of confusing and contradicting statements by EDFE.

The Statement of Reasons, at A1.3.86, stresses that it is critical to establish that the location of the laydown facility cannot be disaggregated from the Combswich Wharf facility.

And yet

The ASA section of the Planning Statement, section A3.6.5 admits that-

*Whilst the proximity requirements for the laydown area to be adjacent to the wharf is **not essential for other construction materials**, Operational Convenience suggests a single combined facility, rather than multiple facilities, is preferable.*

OPC suggest that over 100,000 HGV movements, transporting 930,000 tonnes of material, through selecting Combswich is not essential or operationally convenient, if another site was considered, perhaps 200m along the C182 such as CAN-B or even better at the Hinkley site.

4.41

EDFE ADMIT POSSIBILITY OF OTHER POTENTIAL SITES IN LOWER FLOOD ZONE

The OFRAR of October 2011, recognises with regards to the laydown facility that other potential sites in a lower flood zone may be available.

OFRAR, Section 8.7.5 –

.... Any potential sites located further from Combswich Wharf could therefore be sited within a lower probability flood zone. However, this would result in unnecessary transportation of freight and associated traffic implications.

OPC suggest that EDFE have not considered that a site located at Hinkley Point, would not incur any unnecessary transportation or traffic implications. In addition they seem to have forgotten the 100,000 HGV movements to build at Combwich, but perhaps these will not have any traffic implications.

4.42

CANNINGTON B SITE

The OFRAR, section 8.7.6 identifies the CAN-B site as one of two main options for the laydown facility at Stage 1.

OPC's representation on the Stage 2 Consultation, challenged the decision to turn down the CAN-B site and suggested the use of Hinkley Point for the location of a laydown facility.

The OFRAR acknowledges that the CAN-B site was a viable alternative but was considered to be too distant from Combwich Wharf for the movements of AIL's, which would have potential impacts on the local road network. As we have explained EDFE should have compared these 180 AIL movements (that would actually occur at night with minimum implications for the C182) having to travel 200m to the CAN-B site, with the 100,000 HGV movements required to build at Combwich. As shown at 4.24, a PPS 25 Sequential test requires this comparison.

4.43

In the Stage 1 Consultation document the CAN-B site was described potentially as –

A freight consolidation facility for road-borne and/or water-borne freight.

The proposed land uses would be located away from residential properties in an area characterised by mineral extraction land uses, thereby minimising any potential disturbance to residents.

And importantly – 4.6.4 -

The area offers the potential to provide a combined road and water-borne freight consolidation facility, given its proximity to Combwich Wharf and the Hinkley Point C site, enabling a more efficient land use.

In January 2010, EDFE clearly had no locational problems with storage away from the Wharf.

An analysis of the considerations regarding flood risk comparison between the Combwich high probability zone 3, location and the CAN-B low probability zone 1 site, should be in the October 2011 OFRAR but is it?

4.44

OVERARCHING FLOOD RISK ASSESSMENT REPORT (OFRAR) October 2011

The Combwich Flood Risk Assessment explains in 9.1.7 that evidence to demonstrate that the Sequential Test has been applied is provided in the OFRAR.

OPC accept that EDFE has evidenced a Sequential Test, but having covered the requirements in Section 4.24 are confident in **stating that it was not a PPS 25 Sequential Test, concerning flood risk as EN1 section 5.7.9 and 5.7.12 require.**

The evidence presented in the OFRAR to demonstrate the PPS 25 Sequential Test, wholly concerns the Operational considerations of the developer apart from stating flood risk zones for the sites compared.

4.45

The evidence provided to demonstrate the PPS 25 Sequential Test contained in the OFRAR and for site selection in the DCO Application documents is fundamentally flawed. Flood risk considerations play no part in EDFE's site selection process for the Combwich laydown facility despite the site being at risk. Indeed the Environment Agency are particularly concerned about Combwich. EDFE has failed the requirements of PPS 25 and its principal tool the Sequential Test, by ignoring flood risk and its implications and concentrated on its own operational requirements and convenience.

4.46

WHAT IS MISSING IN THE OFRAR TO DEMONSTRATE A PPS 25 SEQUENTIAL TEST FOR COMBWICH LAYDOWN AREA

- Flood risk Considerations
- Apart from CAN-B site, other reasonably available alternative sites, due to the developer's unilateral action on search areas, and non PPS 25 compliant position.
- Evidence as explained in 2.5.1 to apply the test and compare sites, including, flood risk and consequent potential impacts of the development and physical problems or limitations.
- Any evidence that outlines the impacts of the laydown facility, for example tonnage of material required to be transported by road to counter the flood risk and locate at Combwich (believed to be over 810,000 tonnes – FMS TABLE 7.1) or the fact that it will take 1 year to build and 4 years to return to agricultural land.
- No consideration of Hinkley Point site despite OPC suggestions at Stage 2 Consultation.

4.47

Section 8.7 of the OFRAR is supposed to provide the evidence in accordance with PPS 25 to demonstrate the Sequential Test. As mentioned, apart from stating the flood zone classification, OPC can find only the developers operational considerations outlined. It is not known if flood risk played any part in Sequential Tests for other Associated Development Sites.

4.48

FLOOD RISK AT COMBWICH LAYDOWN LOCATION

The proposed Combwich laydown area is located in zone 3, high probability. The area was flooded in 1981 due to a tidal surge causing overtopping of the defences and in 2007 due to severe rain and blockage of the outlet to the Parrett for Cannington brook.

4.49

That the site for the Combwich laydown area is at high risk of flooding is not in doubt. The Environment Agencies response at the Stage 2 consultation, as previously mentioned included –

We have concerns that the proposed development intends to develop in a high risk flood area and recommend that if a development occurs in this area it is kept to a minimum.

It appears there are still concerns about the flood risk situation as comment by the Environment Agency in its relevant representation to the IPC about Combwich show –

Of particular concern is the FRA submitted for the Combwich Wharf Associated Development proposal. This has identified that this development could increase the risk of harm caused to people and property during flooding.

At 7.1.B1 –

Issue

The FRA considers tidal flooding from the River Parrett, as a result of overtopping or breach of defences and concludes that the proposed lay down area will displace water elsewhere, increasing the impact of flooding on existing farmland to the south and due to the lack of modelling data we cannot at this time rule out increased risk properties.

The height of the existing River Parrett flood defence embankment is such that the chance of a flood occurring during the duration of this temporary development should not be underestimated. Therefore this could be a very real concern.

Well the developer cannot say that they weren't told but OPC accepts that the concern shown at this stage about the modelling that has informed the Combwich FRA, as being

currently unfit for purpose, may be resolved. However it may not, as the impact of this issue is explained. –

7.1.B2

Impact

The new freight lay down hard standing areas are proposed as constructed on raised platforms, and so elevated above existing (pre-development) ground levels. Should the existing River Parrett flood defence embankments overtop, or breach, whilst the raised platforms are in place, then floodwater will be displaced onto farmland to the south of the site and potentially to residential properties.

It is important to recognise that these conclusions have been drawn from a FRA which is based upon modelling which we have not yet signed off as fit for purpose. When the modelling has been agreed there is every possibility that the adverse impacts associated with flooding, and displaced floodwater, could be worsened and therefore present a risk of greater harm to surrounding residential property.

OPC wait to see what transpires but are extremely concerned about the flood risk situation. It will be for the NID to decide on the acceptability of any potential flood risk impacts but the council point out that any increase in flood risk goes against requirements of PPS 25 and National Policy Statement EN1 and EN6. EN1 Section 5.7.17 applies.

4.50

SEQUENTIAL TEST ISSUES STILL VALID

The Parish Council hope that the Environment Agency come to a point where they can ‘sign off’ the Flood Risk Assessment and modelling as safe for residents at Combswich. However, this would not mean that the Sequential Test issues are invalid.

EA acceptance of the assessment would not show –

- That they find the **proposal acceptable**, just that the level of engineering / works would make it safe with regard to flood risk.
- That there are no unacceptable impacts.
- That the Sequential Test requirements have been met.

The Council would be clear about the amount of engineering required to make the laydown area safe, but it would still be ‘inappropriate’ and other viable sites perhaps in Flood Zone 1, would clearly not require such massive engineering to take account of the flood risk.

In effect we would know the level of inappropriateness.

4.51

FLOOD RISK IMPACTS

EDFE apart from stating that the development platform (the area is the equivalent to 20 full size football pitches) is to be raised by 1m, do not detail the impacts or consequences of this flood risk measure.

Therefore there is no assessment of the impacts at Combwich for the required comparison for the PPS 25 Sequential Test or for EDF's own site selection process. As mentioned in 4.46, the only details of the consequences are gleaned from Table 7.1 in the Freight Management Strategy.

Originally, at the Stage 1 consultation, when EDF were considering the two locations, CAN-B and Combwich, the total materials required to develop both the Wharf and the lay-down facility was estimated by EDFE as approximately 124,000 tonnes – a considerable figure but dwarfed by the figures now indicated in Table 7.1. An increase principally made up to reflect flood risk measures not considered during the developers own decisions on site selection.

- *Combwich Wharf – 123,840 - tonnes requiring - 8,256 loads – 16,512 HGV movements.*
- *Combwich laydown facility – 810,724 tonnes requiring - 45,078 loads – 90,156 HGV movements.*
- *Total for the Combwich development is – 934,564 tonnes requiring – 53,334 loads – 106,668 HGV movements.*

4.52

It should be noted at this stage that the alternative site CAN-B, is in flood zone 1, not requiring extensive flood protection measures and with a different load bearing sub soil that may not need the extensive Piling activity needed at Combwich. It was turned down (4.42) for the principal reason that basically 180 AIL's would have to turn left at the junction with the C182 and travel approximately 200metres to the CAN-B site.

OPC now understand why the developer was keen to discount any alternative sites before the flood risk figures for Combwich were revealed.

It is precisely these flood risk impacts that are required to be used for comparison to demonstrate a PPS 25 Sequential Test

It is precisely these figures and impacts that should be in the OFRAR that is supposed to evidence the demonstration of a PPS 25 Sequential Test.

Ultimately it will be for the NID (Secretary of State) to decide taking into account the requirements of PPS 25 and EN1.

4.53

CONCLUSIONS

Otterhampton Parish Council has outlined in this document the numerous impacts, requirements and actions that should evidence a demonstration of the PPS 25 Sequential Test for the proposed Combwich laydown facility.

OPC state that the developer has failed to provide the evidence required.

Further EDFE has made a fundamental mistake in not including the relevant flood risk issues for a PPS 25 Sequential Test and 'hijacking' the test to outline its own operational motives.

4.54

There are a number of relevant questions raised in this representation that need answers from EDFE to assist an examination.

- *Why did they state no alternative sites were considered for a storage facility at Combwich, when they were?*
- *Why did they claim that the Sequential Test was implicitly passed for Combwich when it wasn't?*
- *Why did they claim the Environment Agency had confirmed it was implicitly passed when they hadn't?*
- *Why did they misunderstand the Environment Agency's role?*
- *Why did they unilaterally decide on a restrictive 'search area' that ensured only Combwich met their requirements?*
- *Why did they not involve the LPA in agreeing appropriate search areas and Sequential Test requirements in the necessary early stages when they decided their site selection?*
- *Why did flood risk impacts and considerations play no part in their site selection?*
- *Why did they fail to compare flood risk and its impacts with regard to CAN-B site?*
- *Why does the OFRAR fail to contain the evidence to demonstrate the Sequential Test for Combwich, when they state it does?*
- *Do they understand the Environment Agency's Standing Advice and PPS 25?*
- *Do they understand NPS EN1 with regard to flood risk and the Sequential Test?*
- *Why the confusion and conflicting statements?*
- *Why no reappraisal on site selection, when they became aware of the huge increase in flood risk impacts?*

4.55

Otterhampton Parish Council, urge the NID to examine the evidence and then -

In accordance with National Policy Statement EN1

Section 5.7.12, EN1 –

Not consent development in Flood Zone 3 or Zone C unless it is satisfied that the Sequential and Exception Test requirements have been met.

PROPOSED NEW GOODS WHARF AT COMBWICH

5.1

INTRODUCTION

The key to the controversial issues relating to EDFE's proposals at Combwich lies not with the import of AIL's, which are largely accepted by the community, the developer and the Councils as necessary, but with the proposal to build and use (with the adjacent laydown facility) a 'Goods Wharf' at Combwich.

Combwich Wharf does not have a goods facility. The local community strongly object to a goods wharf situated at the heart of its rural village setting, disturbing its harbour, the recreational use, the environmentally sensitive estuary and most importantly the residents that live so closely surrounding the proposed site.

The Parish Council are not aware of any other proposal for the HPC project that would inflict what the developer admits would be an unmitigated, significant, major adverse noise impact, within 40m of residents sleeping in their beds.

5.2

The importation of AIL's required for HPC, could be accomplished within the available window, without having the disturbing deliveries at unsociable hours (dependant on tides – covering 24hours a day, 7 days a week) if the added pressure that use of the new goods wharf at Combwich imposes, if it were given consent.

The developer we are told requires flexibility and its Freight Management Strategy is centred around using water-borne deliveries to take freight off the highways of Somerset.

The Parish Council will Show that the flexibility they seek, lies in using the Jetty at HPC, and will examine the facts that clearly illustrate development of a goods wharf with the adjacent laydown facility for 'other goods' would actually put more HGV movements onto the roads than could ever possibly be saved by using the proposed Combwich facility.

Any justification is compromised due to 2 significant developments since the proposed building of the goods wharf was initially suggested.

- Flood Risk requirements at Combwich
- Use of Jetty at HPC for other goods, not just cement, sand and aggregates

5.3

FLOOD RISK REQUIREMENTS AT COMBWICH THAT AFFECT USE OF GOODS WHARF

The requirement to make the development 'safe' due to seeking to develop the laydown facility in such an inappropriate, high probability, flood risk location has had a vast impact, as yet to be fully recognised by EDFE, on any justification to locate at Combwich.

Understandably but not helpful to the necessary examination, there is very limited information available from EDFE on the consequences and impacts of having to raise the laydown platform (an area equivalent to 20 football fields) by 1m and the associated buildings by 1.4m, to make safe the development at Combwich.

Put simply, the materials required to be transported by road has increased 8 fold to build at Combwich.

It was estimated at the Stage one Consultation that the materials required to build both the wharf development and the laydown facility would total 'only' 124,000 tonnes.

The latest estimate mainly due to the flood risk aspect is over 930,000 tonnes.(Table 7.1, Freight Management Strategy).

5.4

This figure may actually increase if the NID decide that the increase in flood risk to third party land as shown by the Combwich flood risk assessment is unacceptable (Any increase is against PPS 25, however NPS, EN1 5.7.17, applies).

To put the Combwich situation into perspective –

- Cannington bypass requires 103,000 tonnes
- HPC Jetty requires 95,000 tonnes
- Combwich laydown area 810,000 tonnes

5.5

Due to the subsoil at Combwich lacking the load bearing resilience required for large loads, extensive piling would have to be undertaken. This in itself would take many months to carry out.

To return the laydown area to its previous use would take 4 years.

Site selection has failed to take these impacts into consideration.

5.6

LACK OF JUSTIFICATION FOR OTHER GOODS IMPORTS AND STORAGE AT COMBWICH

As mentioned the Freight Management Strategy is based on the principle of using water-borne deliveries to minimise HGV deliveries on the roads.

The stark fact is that just to build and remove the proposed facilities at Combwich, (accepting AIL deliveries will happen at Combwich) would put over 100,000 HGV movements on the road, more than could ever be saved by importing and storing goods via the wharf.

When the solution to a problem has more impact on the Somerset highways than the original problem, then surely common sense must prevail and show that the original decision for other goods importation and laydown at Combwich is **fundamentally flawed**.

It must also be recognised that any goods imported at Combwich would still have to travel to HPC by vehicle using the highly pressured C182.

5.7

EVIDENCE TO PROOVE LACK OF JUSTIFICATION

There is a maximum amount of goods that can ever be delivered via Combwich New Goods Wharf over its operational life of 6.5 years.

There is a 4 year window, during which the AIL's must be delivered for the construction of HPC. An AIL delivery generally would require more tides than a delivery of other goods. It is estimated that two years of use of Combwich Wharf at its maximum capacity (without any of the necessary restrictions the Council are requesting the IPC to consider to take account of disturbance and residential amenity) would be exclusively required to deliver the AIL's for HPC. These are the priority and primary purpose of Combwich Wharf.

EDFE have refused to answer queries from the Council regarding the number of other large loads that may have to use the abnormal loads quay.

Therefore there is a maximum of 4.5 years use of the wharf possible for other goods deliveries

There are a limited number of tides available at Combwich Wharf and EDFE recognise the maximum would be 15 deliveries, 30 shipping movements a month.

There are 2 possible sizes of loads for other goods. Barges would be either 1,000 tonne or 2,000 tonne shipments and the larger load would take correspondingly more tides to unload.

It is recognised that approximately 10% of sailings do not take place and the delivery tides are lost.

Approximately 900,000 tonnes of materials transported by road, to develop the new goods wharf and laydown area at Combwich.

900,000 tonnes equates to 900 ship deliveries requiring 1,800 shipping movements, having to utilise 1,800 tides / delivery slots.

EDFE maximum of 15 deliveries per month, minus 10 % (Acknowledged shipping delivery failures due to various factors) equals approximately 320 possible movements per year.

4.5 years at 320 movements per year equals approximately 1,440 movements for other goods available. This equates to a maximum 720,000 tonnes possible to import through Combwich.

5.8

OTHER FACTORS TO CONSIDER THAT REDUCE JUSTIFICATION FURTHER

The Council have evidenced that more HGV's would be put on the roads to locate a new goods wharf and storage at Combwich, than could ever be saved by using Combwich for water-borne freight.

Therefore the Freight Management Strategy has failed with regard to using Combwich, apart from AIL deliveries.

In reality the situation would be even worse.

The situation evidenced is using the developer's proposals, that maximise the number of available delivery tides by ignoring Combwich residents disturbance and amenity issues, utilising all available delivery tides 24 hours a day, 7 days a week. They propose consent, to unload at the Wharf and store at the laydown facility 7 days a week.

The Council will expect the NID to recommend 'fair' hours and days of use that take into account the various effects on the residents and community. This would clearly reduce the number of available deliveries.

EDFE have recognised that 15 deliveries per month are likely to be the peak amount, with on average less used.

Transport forum minutes April 2011. JP (EDFE Head of Consents) states-

In response to questioning about the operation of the wharf, JP said that EDFE estimated between 10 and 15 deliveries per month via the wharf. 15 was very much a maximum given tidal conditions at the wharf.

Any conclusion must be that it is entirely reasonable to assume that for every HGV taken off the road by using Combwich Wharf for other goods, double that number would be put on the road, just to develop the required facilities at Combwich.

Combwich is an inappropriate location due to the flood risk impacts. A new goods wharf and storage, complicates the issues relating to the primary purpose of the wharf and renders the proposals unacceptable to the local community.

5.9

NEW GOODS WHARF CREATES LEGACY ISSUES FOR COMBWICH

Any goods wharf built at Combwich would not be removed at the end of the operational period. If the NID were to consent a new goods wharf, it would be creating concerns about future use of the facility. Legacy issues include –

- Commercial use of the wharf located so close to dwellings.
- What precedents would be set regarding – 24 hour, 7 days a week working.
- Future ownership and use.
- What permitted development rights would be related to the consent?
- What pressure would be created to develop off the private access road and possibly on the laydown area?
- It would industrialise our village and harbour.

The NID would not just be consenting a facility for HPC, but consenting a new facility with commercial possibilities and all the attendant problems, only 40m from where people are trying to sleep.

These are serious concerns for our community and the Council raise them not to complicate the issue but for the NID to recognise that the issue is very complex and involved, that they extend beyond use by EDFE and this has not been considered in the DCO Application.

Ownership of the Wharf has changed a number of times since being built. It is not impossible that the present owners should see an opportunity to capitalise on a fully functional new goods wharf, with extensive hours of use, once HPC has been developed.

5.10

PREVIOUS USE OF WHARF

Combwich Pill has been used since Roman times. Commercial use of Combwich as a port died out when the days of trading sailing ketches passed in the early 20th century.

Combwich Wharf was built in 1959 to import the large loads required for Hinkley A Station and was again similarly used for Hinkley B. The level of use will no doubt be disputed by

EDFE but local knowledge shows that the number of large deliveries from the wharf for Hinkley B was less than 10 in total.

The Wharf became almost semi derelict, until the early 1990's when it was refurbished. Since then there have been approximately 5 or 6 deliveries, to or from the nuclear stations at Hinkley Point. The last 25 years have seen approximately 10 occasions when the wharf has been used for deliveries. Average use, once every 2.5 years, not the twice a year, reported by EDFE in the DCO Application.

It is believed the last 2.5 years has seen only one shipment at Combwich Wharf and that 20 months ago in October 2010.

These deliveries are large loads, unsuitable for transporting long distances by road. This is the level and type of use established at Combwich. There is no goods wharf for general cargo at Combwich but a role on / roll off facility.

During the construction of Hinkley A and B, there was no private access road. There is only one way into Combwich and the same way out – via Brookside Road. Deliveries from the wharf to Hinkley blocked the village for many hours at a time, in effect closing Combwich. Any deliveries of the large loads were so infrequent and had such an impact that any delivery was treated as if it were a 'red letter' day with much interest shown.

It is unlikely that this holiday atmosphere would remain, if the developers proposal for an average 30 shipping movements a month were to be given consent !

5.11

Since the 1960's Combwich has more than doubled in population with much residential development.

The 'Barne's inquiry recognised that use of Combwich Wharf for AIL's, for the development of HPC, could not reasonably close the larger, busier village of Combwich, and the private access road (known as the southern haul route) was built.

The issue of planning permissions and restrictions on hours of use will be dealt with in the relevant section of our representation.

The established use of Combwich Wharf therefore is extremely limited and it is highly probable that there have been less than 50 deliveries over its entire lifetime.

5.12

HPC JETTY AS AN ALTERNATIVE

Why EDFE are so determined to develop a new Goods Wharf at Combwich, when they are building the perfect alternative is a mystery.

EDFE in discussions with the Parish Council now accept that the Jetty at HPC would be the first port of call for 'other goods' deliveries. This may not be fully reflected in the DCO Application.

This is a considerable change since their early approach which only considered use of the jetty for the importation of cement, sand and aggregates.

5.13

What caused this change of policy is a matter for EDFE, but the Council have always been aware of the natural restrictions that limit use of Combswich, and the need for requirements to minimise disturbance to the wharfs close neighbours.

The jetty now has the capability to be used for the importation of 'other goods' as shown in the DCO Application.

5.14

ADVANTAGES TO USING THE JETTY AT HPC

- Goods imported straight to the main HPC development site with all the consequent advantages.
- No highway issues. The highly pressured C182 would not be compromised by HGV deliveries. Somerset roads and communities would not be subjected to the 100,000 HGV movements required to develop the facilities at Combswich.
- Hinkley Point is the principal industrial location in Somerset. Constraints such as the visual impacts are likely to be less than those relating to fresh development in open countryside at a greenfield location. For example it may be permissible to stack containers 8 in height (as at most ports) unlike the 2 proposed at Combswich. The consequences of this simple strategy would mean the storage area at Hinkley Point required would be a quarter that needed at Combswich for other goods. – less than 1 hectare compared to 3.2 at Combswich.
- The jetty is not located in a residential situation, unlike a new goods wharf at Combswich. The nearest dwelling to the jetty is approximately half a mile away compared to 40m at Combswich Wharf.
- Fewer restrictions on hours of operation etc. may apply at the jetty.
- The Jetty does not have to take into account the concerns of competing high tide access for leisure users, unlike that at Combswich Pill.
- Storage for the jetty may not be located in a high probability flood zone and the sub soil may have suitable load bearing capacity, unlike at Combswich. Extensive piling may not be required.
- There are 60 tides available for delivery at the Jetty per month compared to approximately half that number at Combswich. (Obviously poor weather, delivery problems etc. would apply to both locations.

- It is accepted that peak concrete laying periods are seasonal and the priority would be for importation of aggregates and cement. However conversely there would be vast opportunities to import 'other goods' during periods when the pressure for concrete use is minimised.
- No legacy issues with the Jetty. Unlike at Comwich the Jetty would be removed following the construction of HPC.
- Commercial imperative. The transport forum minutes for April 2011 show EDFE accepting that there is a commercial imperative to bring in as much freight as possible to the nearest point to the main site.
- Not building the Jetty would fatally compromise the developers transport appraisal and therefore the DCO Application. Not building Comwich New Goods Wharf, would still enable the primary purpose, AIL delivery, to be accomplished with less impacts and disturbance.
- Maximising the use of the Jetty at HPC would reap considerable Environmental advantages.
- Security Concerns are paramount and should not be understated. Following recent events at the HPC site, the advantages of delivering by sea direct to the main sites secured area without public highways involvement are clear.

5.15

LOCAL POLICIES

Whilst it is appreciated that the National Policy Statements are a primary source of directive for the NID, the Parish Council believe that the fully adopted Core Strategy and HPC Supplementary Planning Document both highlight important considerations regarding development at Comwich.

The joint Local Impact Report may well cover unacceptable issues at Comwich.

5.16

CONCLUSION

The District Councils initial relevant representation to the IPC drew attention to areas of concern regarding Comwich and questions the justification for aspects of the development there.

The Parish Council feel that proposals for development of a New Goods Wharf at Comwich should have been reconsidered by the developer when it became clear regarding -

- The transport impacts of developing at Comwich due to the flood risk.
- The availability of the Jetty at HPC for 'other goods' deliveries.

- The acceptance that use of a Goods Wharf would create significant, major adverse noise affects at unsocial times for the close residential community.
- The unacceptable effects maximising the use of Combwich would have on its primary purpose. – Delivery of AIL's which is supported by the Councils.

The development of a New Goods Wharf would mean unacceptable industrialisation of our small rural community at Combwich, with long term consequences and the Parish Council objects to EDFE's proposal.

PROPOSED COMBWICH LAYDOWN AREA

6.1

INTRODUCTION

It is unknown why EDFE continue to propose development for storage at Combwich in the face of such weighty and compelling evidence against its location there.

It is in the wrong place due to –

- The real physical limitations of the site.
- The flood risk and associated impacts.
- The alternatives available.
- Not meeting the requirements of NPS, EN1, particularly regarding the PPS25 Sequential Test.

6.2

EDFEs arguments in favour of a Combwich laydown location have been shown to be –

- Poorly reasoned, contradictory and do not stand up to scrutiny.
- Concentrates on their own operational convenience and requirements.
- Does not bare comparison.

OPC have challenged the developer's proposals for over 2 years and welcome the NID examination of the real issues and the overwhelming evidence against giving consent to storage at Combwich.

To avoid unnecessary repetition of the evidence, OPC will attempt to refer to the relevant sections of its representation. This section should be seen as a crystallisation and concentration of the 'laydown' issues.

It should be noted that regardless of storage locations all goods will still have to be eventually transported to the HPC site by road.

6.3

STORAGE REQUIREMENT

Clearly storage is required. Where and of what capacity, are the issues that are pertinent. Combwich was selected by EDFE as the location without seriously considering all the necessary factors that weigh against it.

It is almost as if the developer chose Combwich and then attempted to justify that regardless, with what appear to be weak reasoning, ignoring the real and significant constraints and alternatives that apply here.

6.4

The significant constraints include –

- Sub-soil not loadbearing, requiring extensive piling operations.
- Physical constraints of site leads to poor utilisation. – raised area of 10.1 hectares to provide 6.3 hectares of storage due to rhynes etc. crossing chosen location.
- Legacy issues.
- Close to residential areas, causing unacceptable disturbance. *Covered in section 8*
- Flood Risk impacts. These are wide-ranging and substantial. *Covered in section 4 and 5.*
- Traffic impacts. *Covered in Section 4, 7 and 9.*
- Construction and removal impacts. *Covered in Section 2 and 4.*
- Freight Management Strategy, loss of justification. *Covered in section 5.*
- Greenfield site in open countryside against the local development policy. *See relevant adopted local development document. Core Strategy.*
- Visual impacts. *Covered in Section 2.*
- Likely restrictions imposed. *Covered in Section 3.*

The alternative sites are outlined in the sections covering the AIL issues and the New Goods Wharf.

Failure to meet the requirements of the Sequential Test is *covered in Section 4.*

6.5

PARKING AND CONTRACTORS COMPOUND

OPC are concerned at the amount of parking spaces required by EDFE at a laydown area. This is for 50 vehicles. It is explained that this would only be utilised when an AIL delivery was taking place. However the Application Documents show that a maximum of approximately 20 personnel would be required for an AIL delivery.

Concern is expressed as to the requirement for an extra 30 spaces as this may indicate use of Combwich as a contractor's base for the main site.

The fact of 50 vehicle parking spaces, together with the requirement for the building on the area to contain a lounge to cater for 50 personnel, naturally leads to concern about just what is the true scale of operations planned at the Combwich laydown facility.

There is insufficient detail in the DCO Application regarding the purpose and operational use of the contractor's compound at the proposed laydown facility at Combwich.

6.6

SUBSOIL NOT LOADBEARING

Appendix c of the Combrich Flood Risk Assessment mentions the low bearing capacity of the underlying ground and that storing water in the compound could increase the loading on the subsoil beyond its capabilities.

Extensive piling operations on the laydown area would be required. EDFE admit to at least four months of Piling required.

There appears to be very little information available on this important aspect of the developer's application.

6.7

POOR UTILISATION OF SITE DUE TO PHYSICAL CONSTRAINTS

EDFE have selected a site at Combrich that is transected by numerous waterways. These site constraints means, that to provide the stated 6.3 hectares of storage a working area of 10.1 hectares is required. This shows that almost 40% of the site selected is not productive.

Alternative sites not restricted by drainage channels etc. may allow a site of close to 6.3 hectares, to provide 6.3 hectares of effective storage.

Volume 7, Combrich, Table 2.1, shows the land use and quantum of the laydown area. A massive 32.6 hectares is required, including land for windrowing, for a facility at Combrich.

32.6 hectares to provide only 6.3 hectares of effective storage.

This is equivalent to over **65 full size football fields**.

These site constraints together with the flood risk impacts of having to raise the platform by 1m, show if nothing else, what an **inappropriate** development a laydown facility is at Combrich. PPS 25 is all about avoiding inappropriate development.

EDFE propose an AIL storage area of 3.1 hectares. It would be possible if only AIL storage were to be consented at Combrich (apart from taking into consideration OPC comments on AIL storage explained in the AIL section) that this could be accomplished by a different design approach, only utilising the required 3.1 hectares.

Therefore it is clear that it is the requirement for 3.2 hectares of other goods storage that even the developer admits is not essential to be adjacent to the Wharf, which forces the need for 7 hectares of platform / working area including the unproductive 40%.

As OPC Have explained, EDFE have stated that containers would only be stored in Combrich to a height of 2 due to the visual impact of this site in open countryside. A storage site for

containers at the largest industrial site in Somerset (Hinkley Point) may be allowed to store containers to a more normal 8 or 10 in height.

Therefore it is entirely possible that a storage area at Hinkley Point of just 0.8 hectare, would have the same capacity of one at Combwich requiring 3.2 hectares, and incredibly also mean a platform area of 7 hectares (70% of total) at Combwich would not be required.

With the flood risk impacts making every square metre of storage development at Combwich horrendously expensive in so many ways including environmentally, this must be a major consideration against Consent at Combwich.

6.8

LEGACY IMPACT

There appears to be no advocate that the Combwich Storage area be retained after operational use. Indeed the Authorities, The Environment Agency, OPC, The Combwich community and EDFE agree it should be returned to its previous use – Agriculture. This also shows in planning terms just how unsuitable this greenfield location in open countryside is for development.

6.9

OTTERHAMPTON COMMUNITY PLAN

The Otterhampton Community Plan has been agreed by Sedgemoor District Council as a supporting document to inform the Local Impact Report for Hinkley new nuclear build and other development proposals that will affect Otterhampton Parish.

Amongst policies contained in the plan are Sections detailing -

- A green buffer zone wedge in between Combwich and Cannington.
- Land used for temporary development should be returned to greenfield standard.
- Industrial or storage type development should be avoided on areas with a high flood risk or of a greenfield nature.

The legacy issue is that due to its position, the proposed Combwich laydown site, should be returned to agricultural use. There is no legacy and therefore a great deal of effort and huge environmental costs would be expended for 6.5 years, questionable, operational life and 4 years work to return the site to agriculture. The Parish Council are adamant, EDFE have selected the wrong location for a storage facility.

6.10

CONCLUSION

However unpalatable it may seem for EDFE, the reality is that a laydown facility at Combwich, at the selected location is 'inappropriate development'. There are numerous evidenced reasons in this section alone that support this fact.

- There are alternatives.
- Storage at Combwich is not essential.
- The environmental impacts are significant.
- Justification and rationale is invalidated by the flood risk impacts alone.

6.11

EDFEs fundamental failure to meet the requirements of the PPS25 Sequential Test for the Combwich laydown location and consequently compliance with National Policy Statement EN1, ensure consent should not be granted. This is not just meaningless policy. Thanks to the flood risk impacts finally being deduced from DCO Application documents, we now know these are real and significant.

This issue on flood risk and compliance with PPS 25, against a developer being allowed to decide their own inappropriate search area (and therefore the possibilities of alternatives) will be recognised as nationally important, for any support and validation of the Governments prime flood risk legislation and indeed its National Policy Statement EN1. Its relevance should not be understated.

When the developer turns down a location only 200m along the highway in a zone 1 flood risk area, not requiring extensive transporting of materials and not comparing the flood risk impacts, as required, then again EDFEs decisions need to be fully examined.

EDFEs predicament is of their own making. The Parish Council pointed out in a meeting in October 2010 their failings with regard to PPS25 and the laydown area. They have been fully aware of the alternatives and the negative impacts to develop storage at Combwich but have deliberately chosen to ignore the consequences.

If consented, Combwich laydown site would truly turn out to be one of the most expensive developments of its type possible in the UK, with such a short operational life, allied with the lengthy construction and removal time periods.

6.12

If the NID feel it necessary OPC would be happy to assist in an issue specific hearing to fully examine the issues. We would welcome any input from the Environment Agency and Sedgemoor District Council (the local LPA) with their expertise on these issues.

OPC supports Sedgemoor District Council where they state in their relevant representation to the IPC that - working with Somerset County Council, the Council will undertake a detailed review of the justification for the scale and design of development in this location. (Combwich laydown area)

Otterhampton Parish Council request that the NID recommend refusal of consent for the proposed Combwich laydown area.

ROAD FREIGHT USE AT COMBWICH LAYDOWN FACILITY

7.1

INTRODUCTION

The Parish Council strongly object to Road Freight use at the Combwich laydown area as proposed in the DCO Application and consider it represents a material change. The Stage 2 Update Consultation contained no mention of road freight use at Combwich or in the associated Freight Management Strategy.

- Overwhelmingly the Combwich community are opposed to road freight use, fearing the noise and disturbance created.
- The proposal is contrary to condition 6 of the 1989 planning permission that restricted use of the access road to the passage of vehicles in connection with the loading or unloading of vessels at Combwich Wharf along with restrictions on hours of use.
- An application of the PPS 25 Sequential Test would not support this proposal.

There has always been a vagueness in EDFE's proposal for road freight use at Combwich and this continues in the DCO Application. It is as if EDFE were seeking to carry out this function almost surreptitiously and it is important that an examination of the history of the proposal takes place that will evidence this statement.

7.2

SITE SELECTION AND BACKGROUND OF PROPOSAL

Stage 1 consultation, Combwich proposal only included water-borne freight storage. CAN-A and CAN-B sites were considered for 'Road- borne freight'

Both Cannington sites were rejected for road borne freight and logistics facility purposes by EDFE and the reason given in the –

Stage 1 consultation report, page 144,19) Cannington was –

*The freight logistics facility identified at Cannington was proposed to capture small scale freight from local suppliers from the west of Bridgwater and surrounding areas before travelling through the village of Cannington. EDF Energy has now reviewed its freight strategy and **considers the facilities at both junction 23 and 24 of the M5 appropriate to handle all levels of freight including local suppliers. Therefore the facility is no longer required.***

If this was indeed the case then EDFE need to explain just how Combwich (Access road only 200m from the CAN-B site) was suddenly selected as a road-borne freight facility at the same time.

7.3

AREA AVAILABLE AT JUNCTION 23 SITE

Scrutiny of EDFEs site plans show an unused area within EDFEs red lines at the Junction 23 Freight location. If additional storage was required for particular periods, then this could be the ideal location. Storage at Combwich would not prevent any HGVs having to travel through Bridgwater or Cannington.

Is this EDFEs Plan B?

7.4

STAGE 2 CONSULTATION

The Stage 2 Preferred Proposals contained the use of Combwich for road-borne freight, almost secretively mentioned in the Freight Masterplan Chapter 4. It was not disclosed in any of the literature delivered to residents or even at the Exhibitions held by EDFE including the one in Combwich. Requests by OPC for fuller details were not forthcoming.

Just how did road freight use at Combwich become a preferred proposal when there was no consultation in Stage 1 on its use and EDFE stated there was no need for one only 200m away ? Where was the justification or rationale?

Once discovered, there was a tremendous outcry from the Combwich community against road freight use. The Parish Council questionnaire showed almost 92% against the proposal to use Combwich for road freight.

7.5

The Stage 2 Update consultation (February 2011) showed Combwich changing from a proposed Freight logistics facility to a 'laydown' facility. Road Freight use was absent from the consultation documents and also missing from the associated draft Freight Management Strategy documents.

Concerns were expressed in the councils response to the consultation regarding just what were EDFE's intentions.

Following the consultation it became clear from comments by EDFE that emergency use of Combwich for road freight was still required by the developer. It was uncertain what was meant by 'emergency use'.

Emergency use was clarified by EDFE only months before the submission of the DCO Application at the 'Transport forum'. The minutes show that –

24th May 2011 – *Doug Bamsey asked about containers coming into Combwich by road. -- -- A. This will only happen in an emergency for a short period of time.*

19th April 2011 with regards to the proposal for 50 parking places at Combwich. EDFE explained –

- *That there was no intention to use the parking area at Combwich on a day-by-day basis. This level of parking was needed at the time of delivery of AIL's only – otherwise Combwich would be very much **a skeleton storage facility**.*
- *The laydown area would not be used for Freight Management.*

7.6

Unfortunately EDFE's capacity to mislead remained undiminished.

At the very same time the Transport Forum and our community were being reassured about only emergency road freight use at Combwich, the developer had told its contractors a very different story.

Combwich Flood Risk Assessment, appendix c – 23rd May 2011 - JACOBS, explains that the original concept has changed in order to reflect the operational requirements –

*There is also intended to be **the facility to store containerised materials arriving by road and Heavy Goods Vehicles (HGV's) en-route to the main site along with contractor's vehicles.***

The design for the laydown area was changed with concrete paving replacing a permeable surface, and the SUDS drainage system being replaced, all due to the use by HGV's.

So EDFE's true intentions are that Combwich is indeed proposed as a road freight facility and as we will show as a possible Freight Management / Deconsolidation logistics centre.

7.7

OPC do not intend to dwell on the developer's moral ambiguity or intention to mislead. What concerns us and hopefully the NID is that our confidence and trust in the vague facts presented by EDFE in the DCO Application with regard to road freight use at Combwich, is not surprisingly questioned.

7.8

ROAD FREIGHT USE AT COMBWICH LAYDOWN AREA AS PROPOSED IN THE DCO APPLICATION

Information in the DCO Application on road freight use at Combwich is conflicting and unclear.

If there is a possibility of an average use of 300 vehicle movements, peaking at 400 movements, based in such a high probability flood risk area, requiring huge engineering to make safe, then details need to be disclosed to enable an informed decision to be made.

7.9

Road freight use of the proposed laydown area is too significant to be left to 'maybe' or 'potentially'.

Volume 7 Environment Statement, Combwich, Chapter 4, 4.4.1 States –

*The principal use of the freight laydown facility would be for the storage of water-borne deliveries via Combwich Wharf. However EDF Energy needs to retain flexibility in its freight logistics programme. **There may be times** when areas on the freight laydown facility are free. On such occasions these areas **may be** used to temporarily store road-borne freight deliveries when there is limited shortage of space at the HPC development site. This is expected to occur during certain stages of the construction process where high volumes of road freight deliveries are expected at the HPC development site.*

This is repeated in Chapter 2, at 2.3.32.

However, the **may be's** have been replaced by **will be** in Section 6.3.41 of the Freight Management Strategy.

*Priority for the use of the freight laydown facility will be given to water borne deliveries. However, EDF Energy needs to preserve a degree of logistics flexibility and the freight laydown facility **will also be** used as a temporary store for road borne deliveries when there is a shortage of space at the HPC development site.*

The Freight Management Strategy routinely mentions HGV deliveries from the junction 23 and 24 facilities to both HPC and Combwich. (Section 6.7.6 – 6.7.8, and 8.2.13) as if road freight use at Combwich was a foregone conclusion.

7.10

Worryingly, Section 8.5.5 of the FMS describes how 150 – 200 vehicles per day (300 – 400 vehicle movements) will be required to dispatch materials from the laydown facility to HPC. It needs clarification what number involves road borne freight and the freight management/consolidation situation.

There is the possibility that some materials would be broken down into smaller deliveries at the freight laydown facility for contractors collection as and when required. As a consequence one such HGV delivery to Combwich freight laydown facility would require multiple smaller deliveries to HPC. It has been estimated that an average of 150 vehicles per day will be required to dispatch materials from the freight laydown facility to HPC (with a daily peak of 200 vehicles). This is considered to be a conservative assumption as it would be more efficient for contractors to break down deliveries at HPC whilst only temporarily dispatching full loads at Combwich.

7.11

As has been shown in Section 7.6, EDFE intend to have a facility to store containerised material arriving by road at Combwich.

As has been shown in Section 7.2, EDFE turned down 2 sites for road freight on the basis that a road freight facility in the area was not required.

7.12

OTHER CONSIDERATIONS

Planning permission for the private access road to the wharf specifically only allows use for the passage of vehicles in connection with the loading or unloading of vessels at Combwich Wharf.

Again EDFE have misquoted the relevant clause. OPC accept this may be a typographical error, however it is strange that the misquote (substituting the word vessels for vehicles) completely changes the relevance of the condition in the DCO Application.

Environment Statement, Volume 7, Combwich, 1.3.14 states –

*The private road hereby permitted shall be used by the Central Electricity Generating Board or its successors in title for the passage of vehicles in connection with the loading or unloading of **VEHICLES** (actually **VESSELS**) at Combwich Wharf solely between 08:00 hours and 19:30 hours on Mondays to Saturdays, and at no other times without the prior written permission of the local planning authority.*

Reason: To safeguard local residents from noise and disturbance during unsocial hours.

Whilst the Parish Council understand that any consent granted would no doubt supersede this permission and condition, it is important to understand the recognition and significance that safeguarding residents from noise and disturbance has.

OPC acknowledged in 1989 that residents would need to be protected against inappropriate development (such as road freight use) due to the building of the access road.

7.13

- The developer's contractor Jacobs has shown that the underlying ground proposed for the laydown area, has a low bearing capacity. This would necessitate extensive piling to overcome.
- Due to the HGV use envisaged, a concrete pavement would be required, not the originally proposed permeable surface.
- Due to the impacts of seeking to develop at Combwich in such a high flood risk area, EDFE have chosen one of the most expensive sites possible (Environmentally, Socially and Economically) to develop a road freight facility.

- Use of Combwich for road freight would not prevent any HGV movements having to travel through the transport hotspots of Bridgwater or Cannington.

7.14

ALTERNATIVE SITES AND THE PPS 25 SEQUENTIAL TEST

- As shown 2 alternative sites in lower flood probability zones were considered by the developer.
- Available unused area at Junction 23 site.
- A Sequential Test has not been undertaken for road freight use at Combwich.
- There is no locational requirement for a road freight facility to be at Combwich.
- Advice from the LPA and agreement on an appropriate search area for a road freight facility should be sought by the developer.

7.15

CONCLUSION

Justification and the rationale, apart from the developer's convenience should be provided by EDFE for this proposal.

EDFE themselves suggest that a double drop system would be expensive for the contractors and inefficient.

The SDC Supplementary Planning Document for HPC states that road freight use at Combwich is unacceptable.

There are concerns that the developer may, almost by the back door, and without due consideration, gain consent for road freight use of Combwich laydown area, partly due to the nebulous nature of details in the DCO Application and as illustrated the history of the proposal.

RESIDENTIAL AMENITY, DISTURBANCE AND HOURS OF USE, AT COMBWICH

8.1

INTRODUCTION

There was never going to be agreement between EDFE and the residents of Combwich, regarding the developer's proposals, including hours of use, disturbance and effect on residential amenity.

OPC objects to those outlined in the DCO Application for Combwich Wharf and laydown area as unrealistic. By seeking to develop such large scale industrial facilities at the heart of our small rural village EDFE have ignored, both the communities generosity, in agreeing to its primary purpose – AIL delivery, and the true reality of where they seek to develop and the effect on residents tranquillity.

The arbiter will be the NID who will make recommendations to the Secretary of State, on the requirements necessary to operate at Combwich taking into account all the factors and impacts.

8.2

ISSUES TO CONSIDER

Receptors

Noise, Vibration and lighting, Air and Dust pollution

Effect on residential amenity and tranquillity

Proposed hours of use and shipping movements

Requirements/NPS EN1 - Mitigation

8.3

RECEPTORS

Combwich Wharf lies centre stage in the theatre that is the village of Combwich. With residential properties close to the Wharf on 3 sides and the special protection area of the estuary adjacent to the 4th, EDFE would find it difficult to conceive a more difficult location for a large industrial facility. Combwich Wharf was never intended as a site for a busy, modern port.

There are houses within literally a stone's throw of where EDFE want to manoeuvre barges in the early hours, depending on the tides. It is approximately 40m from ships berthing or HGVs transporting goods, to houses close to the Wharf or access road.

These dwellings will be seriously affected by disturbance created by the construction and operation of the Wharf and the developers must be made to make due consideration for their location, something which they have singularly failed yet to do.

8.4

Dwellings on Estuary Park will also be seriously affected by disturbance created due to the construction, operation, removal and transport issues of the proposed laydown facility and Wharf.

There are properties that will particularly suffer cumulative impacts of both the Wharf and laydown area.

The Wharf does appear to operate as the centre of a natural amphitheatre.

The Church is a village receptor that will suffer disturbance from the planned seven days a week working schedule.

The village school is a vital asset and the community's children must not have their education blighted by the 12 years of disturbance that would accompany construction, use and removal of EDFEs facilities. Noise and vibrations travel easily in Combswich and the schools location above the village makes it particularly susceptible to noise both from the Wharf and laydown area. Whole generations of village children could be adversely affected, particularly those who suffer during the months of piling operations.

8.5

NOISE, VIBRATION, LIGHTING, AIR AND DUST POLLUTION

A major change from the consultation period is that it was revealed in the DCO Application that EDFE have finally admitted that manoeuvres in and out of the Wharf will have serious noise consequences about which they can do nothing. Yet they still propose deliveries at 4, 5 or 6 am, only metres away from where residents are trying to sleep.

Volume 7 Combswich – Chapter 9, section 9.6.46 States –

*At the nearest properties on Riverside, high magnitude noise levels are predicted during AIL and construction goods vessel arrival and departures, and therefore the impact is assessed as being of **major adverse** significance.*

9.8 Residual Impacts, states –

Although the proposed development will result in moderate / major adverse noise impacts there are considered to be no appropriate mitigation measures and the residual impacts will remain as those assessed in Section 9.6.

This is not what EDFE promised during the consultation stages.

8.6

There are many different measures described by EDFE in their documents and it is not proposed to detail them all. OPC will simply state that many of the reported noise affects and proposed mitigation measures are unacceptable and that the developer has clearly been wrong before in its noise calculations as the DCO changes show. It will be the NID who ultimately decide what is acceptable.

There have been few deliveries during the past 25 years at the Wharf, but it is worth noting that when they have occurred and despite the novelty factor, the Parish Council have received complaints about the noise of running of the ships generators whilst berthed.

This was one of the first things mentioned to EDFE and we are concerned that the situation has not been resolved yet. It is disconcerting that a company who are considering building Nuclear power stations cannot find a solution to this simple yet extremely disturbing problem.

8.7

VIBRATION

OPC are concerned that the vibration effects on the village have been understated and that it will be too late when construction and operations are underway to limit the nuisance.

Of particular concern for residents and the environment is the amount of and the impacts of the piling that will be required at Comwich. The thought of at least 4 months of piling to underpin the soil at the laydown area is unbelievable. This is the wrong location to store heavy loads.

The mental health aspects of the un-relentless piling regime may be too much for some residents and the Council have serious concerns.

The Environment Agency also have concerns regarding piling, affecting the river life, with which we concur.

8.8

LIGHTING

One of the pleasures of living in a rural location is the lack of light pollution enabling clear skies to be observed.

OPC understand lighting at the Wharf will be from temporary not permanent fixtures. It is important that a strict lighting regime is undertaken to prevent as much disturbance to residents when these temporary lights are required.

The lighting scheme concerning the laydown area is on a huge scale and is inappropriate in open countryside near the village. The lighting along with the cameras and fencing required would be an imposing and worrying aspect and we join Sedgemoor District Council in their concerns.

8.9

AIR POLLUTION

There are concerns about the issue of Air pollution, particularly with regard to emissions due to Shipping movements and HGV traffic. This issue was brought to the attention of the Council following the last delivery to the Wharf in 2010 when noxious exhaust emissions were a problem for bystanders. Onlookers can of course move away, but the occupants of the nearby dwellings will not have that option. This problem has been understated.

8.10

DUST POLLUTION

Dust pollution for residents is also an issue, involving the construction, removal and operational stages. With the huge increase in flood risk engineering required, over 800,000 tonnes of crushed stone fill will have to be moved at Combswich with half of this possibly contaminated. How this is done and if the wharf is used should be an important consideration for EDFE, NID and Combswich residents.

OPC do not feel that the recently revealed information on the true quantities of materials required at Combswich have been properly considered by the developer. Documents still explain that the laydown area will be removed in 12 months. Others that it will take 4 years. Regardless over 400,000 tonnes will have to be removed. Again EDFE documents conflict. A year for removal of this quantity of material is unrealistic, requiring 45,000 HGV movements. Whatever method of removal is used, it is going to create a great deal of dust pollution. Combswich does not want this pollution in the heart of the village.

Greater clarity and more information on this particular aspect at Combswich is required.

8.11

RESIDENTIAL AMENITY AND TRANQUILITY

The adopted Sedgemoor District Council, Local Development Framework, Core Strategy to 2027 includes Policy D 16 which deals with Pollution aspects of Development and Protecting Residential Amenity. The new Goods Wharf and the laydown area is new development.

D 16 states –

*Development proposals that would result in the loss of land of recreational and/or amenity value or unacceptably impact upon the residential amenity of occupants of nearby dwellings and any potential future occupants will not be supported. Particular consideration will be given to the extent that the proposal could result in **unacceptable noise and disturbance**, overshadowing, overlooking and /or visual dominance.*

Sedgemoor’s glossary describes residential amenity as

‘Residential amenity’ includes for example, a reasonable degree of privacy, freedom from noise nuisance, air pollution etc. normally expected at home.

Section 6.29 of Sedgemoor’s Core Strategy also explains that –

Additional guidance on the potential use of Combwich Wharf as part of the new nuclear build project at Hinkley C will be set out in a Hinkley SPD.

The Hinkley C, Supplementary Planning Document has been adopted after consultation by SDC and its guidance/approach on Residential amenity at Combwich is broadly supported by OPC.

8.12

To protect the residential amenity and the tranquillity of Combwich, OPC believe use of the Wharf should be restricted both in the number of loads (allowing the required number of ALLs in the 4 year window), the timing of deliveries and hours of operation. Any use of Combwich for Storage should be restricted to that shown to be strictly necessary for limited ALL use only.

8.13

HOURS OF USE AND SHIPPING MOVEMENTS

When planning permission was granted for the southern haul (now the access) road in 1989, the scale of use now proposed was unimagined. However, even with the low level of use envisaged then, it was realised that some protection from disturbance during unsocial hours should be provided for residents. For this reason condition 6 of SDC planning permission 13/89/00012 allowed the Southern Haul road to be used only between the hours of 0800 to 19.30 hrs. Monday to Saturday and at no other times without written consent of the authority and only for use by vehicles to or from vessels at Combwich Wharf.

It is incomprehensible that knowing these restrictions are in place to protect residents from disturbance, that EDFE should show such contempt for Combwich residents, by massively increasing the prospect of disturbance and seeking to reduce the protections that are in place.

EDFEs proposals for Seven days a week working, the possibility of deliveries by sea 24 hrs. per day subject to tides and extensive operational hours of use for both the Wharf and laydown area, are excessive and will negatively impact the village.

The hours of use and restrictions on shipping/barge movements as recommended by the SDC Hinkley C, SPD are generally supported by the Council, apart from use on Saturday mornings. No weekend working would enable leisure users of Combwich Pill, access to the river at high tide, when the majority use it. At a weekend. This level of use would protect residential amenity and allow leisure users 'fair' use of Combwich Pill and the estuary, without jeopardising their safety by forcing them to use periods where currents are strong, outside of slack water.

It appears to be EDFEs requirements which are dictating the proposed hours of use. It is time the developer compromised, looked beyond their own needs, and considered the needs of the community in the midst of which they are seeking to develop such un-neighbourly proposals.

8.14

HOURS OF USE – CONSTRUCTION PHASE

The hours of use for the construction and removal stages proposed by the developer are more in line with those which would be acceptable to OPC.

EDFEs proposals are –

Core working hours - Monday to Friday 07:00 to 19:00, Saturday 07:00 to 13:00 and no working on Sundays, Bank or Public Holidays.

The construction and removal process will involve heavy noisy and intrusive methods and the Parish Council believe work should not begin until at least 08:30 to take account of the close residential nature of the sites, with no Saturday or Sunday working to protect the amenity of the village.

8.15

REQUIREMENTS – NPS EN1 - MITIGATION

In accordance with National Policy Statement EN1, Section 5.11.11, the Parish Council are asking the NID to consider imposing requirements on restricted hours of use and activities allowed on site (section 5.11.12). EDFE accept there is limited or in some instances, no mitigation possible. The distance between sources and noise sensitive receptors cannot be improved by distance. The dwellings are where they are and the Wharf is where it is. To take account of this and enable the AILs to be delivered, restrictions should be attached to any consent given.

However the siting of a storage area is flexible and once again OPC are stating that the proposed laydown site is inappropriate.

8.16

CONCLUSION

By the massive scale of their proposals EDFE are seeking to industrialise our small rural village.

What is not in doubt is that our residential amenity and the level of disturbance will be greatly affected.

EDFE do not appear to be taking this seriously. They are seeking to maximise use of Combwich with minimal restrictions.

The unsocial activities are dictated to EDFE by proposals other than the core purpose of Combwich Wharf – AIL delivery.

It is the New Goods Wharf and laydown area that impose the pressure for unacceptable disturbance.

OPC are looking to the NID to take the residential nature of the village into account and set 'fair' requirements if consent is given.

OTTERHAMPTON PARISH TRANSPORT ISSUES

9.1

INTRODUCTION

OPC have restricted their representation to local issues apart from a general support for a Bridgwater bypass, joining up with the Cannington bypass.

There is general concern about the huge traffic impacts associated with HPC, in the region as a whole and through Bridgwater and Cannington in particular.

Locally we would draw attention to the traffic implications of –

- The Combwich laydown development and Goods Wharf
- Otterhampton and Combwich junctions with the C182
- The C182

9.2

COMBWICH LAYDOWN AREA

There are 2 considerations covered elsewhere in this representation that bare repetition!

- Over 90,000 HGV movements to transport materials to develop at Combwich due to the flood risk
- An average 300, peaking at 400 vehicle movements per day from the laydown area

9.3

OTTERHAMPTON AND COMBWICH JUNCTIONS

There is concern about the restricted vision at the Otterhampton junction with the C182. Residents from Otterhampton and Steart are worried that the increased traffic on the C182 will exasperate what is already a difficult situation, with limited vision and the speed of the traffic on the C182.

A further complication is the increased level of use due to the construction of the Steart project and an increase in visitors to the new reserves, for which this will be main access route.

9.4

Combwich is a cul de sac village. The only access is via its junction with the C182. There are existing problems, with getting in and out of the village, especially when the HPA and the HPB station shifts are changing. A lower enforceable speed limit on the C182 would be a help.

The fear is that problems will only increase with additional traffic on the C182. OPC accept that there is no easy solution to this, with every potential answer bringing its own problems, but request that EDFE and the Highway Authority be flexible.

Should the villagers concerns be realised, then the Council request that a solution be considered as a priority.

9.5

THE C182

The main road from Cannington to Hinkley Point is a C class road and recent use by HGVs to remove contaminated waste illustrated just what problems to expect with HPC traffic.

This road is narrow, evidenced by the condition of the verges and will be subject to a substantial increase in traffic due to HPC. Problems will be increased for every community that has to use the C182 to get anywhere.

HGV LIMIT ON THE C182

There is to be a proposed limit on HGV movements on the C182. EDFE will impose this limit at one particular position on the C182, at Rodway, north of Cannington but before Combwich.

There is a concern that this would basically mean there is in effect no limit on the C182 for HGVs originating from anywhere past Rodway at Cannington. Thus any number of HGVs originating from Combwich Wharf would not be limited on the C182 between Combwich and Hinkley Point.

Worse would be the possibility that goods bought into Hinkley Point Jetty could be transported back along the C182 to be stored at a Combwich laydown facility, negating all the advantages of water-borne freight straight to site.

EDFE have recently confirmed, supported by the minutes of the Transport Forum, that whilst it is not EDFEs intent to store goods at Combwich bought in by the jetty at HPC, it could not be guaranteed.

9.6

Bringing goods from HPC to store at Combwich would make a mockery of EDFEs Freight Management Strategy and compromise the highly pressured C182 further.

To avoid this possibility OPC suggest a requirement, prohibiting goods originating from the Jetty, being stored at Combwich, to be considered by the NID.

To preserve the HGV limit on the C182, OPC suggest that the limit does not just apply at Rodway but encompasses all the C182 from Rodway to HPC.

Alternatively EDFE could explain to communities reliant on the C182, why Bridgwater and Cannington warrant an HGV limit but they do not.

9.7

CYCLING

OPC supports appropriate cycling projects in the area. There should be liaison between the developers of the Steart projects and EDFE to consider the possibility of an integrated cycling scheme.

There are serious concerns regarding the increased level of use on the C182 due to the HPC development and safe cycling. The issue must be addressed.

9.8

CONCLUSION

The C182 is destined to be an extremely busy highway. It is important that it is not just seen as a route to Hinkley Point from Cannington. Local communities are dependent on a functioning and safe C182, not overburdened with HGV traffic.

Transport problems don't just exist at Bridgwater and Cannington.

CUMULATIVE IMPACTS OF MAJOR INFRASTRUCTURE PROJECTS AFFECTING COMBWICH AND THE ESTUARY ENVIRONMENT

10.1

INTRODUCTION

Otterhampton Parish, which includes Combwich, will be subject to 2 Major Infrastructure Projects, In addition to the construction of HPC, and the extensive proposals by EDFE at Combwich.

10.2

DEVELOPMENTS FOR THE NATIONAL BENEFIT

Seldom has one small Parish been expected to host such a number of developments at one time for the National Good.

The Environment Agency habitat creation scheme, which will see almost 1,000 acres of Parish land, extending from Combwich and encompassing the Steart Peninsula, be changed from an agricultural basis to a nature reserve, focusing on coastal habitat. This scheme is to benefit other areas (not Steart) under threat in the Severn Estuary. Compensatory habitat must be provided under the European Habitats Directive to allow flood defence schemes to be undertaken, that would not otherwise be authorised if this project between Combwich and Steart did not take place. It has gained planning permission and construction lasting a number of years is underway.

10.3

The Bristol Port Company project is also for compensatory habitat of almost 500 acres, adjoining the Environment Agency scheme. Again this is due to the European Habitats Directive, and would enable BPC to develop a deep water container facility at Avonmouth for which it has consent.

10.4

The 2 nuclear power stations at HPC, is a considerable development, and will have significant impacts on the Combwich community. This again apparently is in the National Interest.

10.5

The EDFE Associated Development proposals for Combwich are far ranging and will have major impacts on the village. Again this is for the National Interest.

10.6

The possibility of a wind turbine development near the only untouched part of the Parish has recently been raised, with permission being sought for a mast to measure the amount of wind in the location. This will also, no doubt be claimed, as essential, in the National Interest.

10.7

AFFECT ON COMMUNITY

Planners will no doubt appreciate the cumulative impacts, and the combination these projects will have on Combwich residents. If allowed Combwich will be changed from a small rural village into the focus of heavy industrial activity. Combwich is not a busy commercial Port. The Agricultural basis of the surrounding area will become tourist centred (conflicting with the industrialisation) with 3 major nature reserves, run by the RSPB, the Wildfowl and Wetlands Trust and English Nature respectively.

The amount of change expected to be borne by this community in the National Interest is excessive.

Problems that may result include - Social, Health, Environmental, Transport, Residential Amenity, Leisure use, Lighting and Noise, Loss of tranquillity, Educational, issues.

10.8

AFFECT ON SPA, SSSI, RAMSAR SITE, BRIDGWATER BAY NATURE RESERVE

The affect on the River Parrett Estuary at Combwich, which is subject to all these designations, will no doubt be covered by organisations such as English Nature and the Environment Agency.

However OPC conclude there must be a cumulative effect on wildlife, and object to the possible disturbance, due to all the proposed development and construction impacts, on the coast between Hinkley Point and beyond Combwich to a point opposite the proposed laydown facility. The Estuary narrows near Combwich and is therefore sensitive to noise and vibration, which developments here will generate, including literally months of pile driving.

Recent harsh winters have led residents at Combwich to recognise the protection the Parrett Estuary affords the many thousands of birds that move off the frozen Somerset Levels to the unfrozen estuary environment for survival. Combwich Pill and Common have seen some remarkable bird activity during the frozen winter periods of both 2009/2010 and 2010/2011, when huge flocks of wildfowl including many thousands of widgeon, took up residency here.

CONCLUSION

What should be apparent to the NID is that one thing residents of Combwich cannot be accused of is 'nimbyism'. As we have shown the area is certainly doing its bit for the National Interest.

There comes a point when further proposals pass a limit of what is acceptable and OPC state that this limit is with the use of Combwich for the delivery and limited storage of the AILs for HPC.

Development for the New Goods Wharf and other goods storage, will industrialise Combwich and create impacts that planners must recognise as intolerable when combined with the overall cumulative effects of the Major Infrastructure Projects in the area.

OVERALL CONCLUSION

11.1

The length of the OPC representation underlines why Combwich is a principal issue in the HPC examination.

The Task to seek the details on EDFEs Combwich Proposals has been onerous due to the complexity and range of the issues, with many different documents, in parts contradicting each other.

The Parish Councils written representation is not based on supposition, but facts, and these are principally gleaned from the developers own documents

When we state that the requirements of the Sequential Test have not been met, it is from weighty evidence provided by the developer. The lack of consideration of flood risk impacts at Combwich in the site selection process, becomes apparent because EDFE have disclosed exactly what was considered, such as a filter one process considering only their needs.

EDFE are at liberty to make whatever decisions they choose in the application process. Justifying them during examination is a different matter. When Policies such as NPS EN1 and PPS 25 make requirements, then the developer should be accountable. They have either met the requirements or not. The National Policy Statements regarding new energy development has allowed considerable concessions to developers. They have also made it clear, when consent should not be granted. It is a fundamental mistake by EDFE in not complying with set requirements at an early stage, certainly with regard to the Combwich laydown location.

11.2

Consideration of significant impacts such as disturbance, flood risk and EDFE domination of our harbour, appear in several separate sections of our representation. This is due to the issues being relevant across the spectrum of our concerns on the Combwich proposals.

11.3

The complex issues such as flood risk impacts, the PPS25 Sequential test and site selection, lead OPC to request the NID consider an issue specific hearing to more fully examine the issues and facts for the Combwich development.

11.4

Despite over 2 years of consultation and strong argument on both sides, the Parish Council and EDFE have managed to keep a healthy respect and positive working relationship with each other. Where the Council provides comment on the developers misleading statements or misquotes, it is because they are distortions that are central to the evidence and

argument. For example it is important that a Sequential Test is actually carried out for the Combwich laydown area due to the high flood risk and consequent impacts there. The incorrect statement from the developer that this was implicitly passed, was shown as misleading and the consequence could have been that the necessary test and its numerous requirements may have been avoided.

11.5

OPC are clear that the primary function of Combwich Wharf will take place. AIL delivery. The various costs of developing a storage area at Combwich are so large and disproportionate to the area required, that recommending refusal of consent for the proposal would not just be common sense but may actually relieve EDFE from the predicament they now find themselves in. It is generally accepted that development of a storage area at Combwich would be the most expensive facility of its kind in Europe. It is inappropriate and there are alternatives.

EDFE may want all of their Combwich development to be given consent but refusal of their more disturbing, industrial proposals would not be fatal to the HPC project and EDFE must have contingency plans to cater for this possibility.

11.6

The Parish Council look forward to assisting the NID where we can and will happily answer any queries raised by our written relevant representation.

Similarly we hope a good working relationship with EDFE will continue, mutually beneficial to both our community and the developer who wish to operate in Combwich for the next 60 years.

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