

Schedule 9 Statement

Duty of Preservation of Amenity and Fisheries in
accordance with the Electricity Act 1989
EDF Energy Nuclear Generation Ltd

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Report issue / amendment

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Contents

| | | |
|----|-------------------------------------|---|
| 1. | Introduction | 3 |
| 2. | EDF Energy Nuclear Generation | 3 |
| 3. | Schedule 9 | 3 |
| 4. | Expertise | 3 |
| 5. | Company approach | 4 |
| 6. | Planning new projects | 4 |
| 7. | Reviewing this statement | 5 |

1. Introduction

This statement has been prepared by EDF Energy Nuclear Generation Ltd (EDF NG) to explain the manner in which it performs its duties under Schedule 9 Preservation of Amenity and Fisheries of the Electricity Act 1989 (as amended).

It has been prepared after consultation with Natural England, the Historic Buildings and Monuments Commission for England (Historic England), NatureScot and Historic Scotland, all of whom or their successors will be consulted about any subsequent modifications to the statement.

2. EDF Energy Nuclear Generation

EDF is one of the UK's largest energy companies and is Britain's biggest generator of zero carbon electricity¹. It is a wholly owned subsidiary of the EDF Group, one of Europe's largest energy groups. EDF is organised into seven Business Units in the UK, one of which is Nuclear Generation (NG). EDF Energy Nuclear Generation Ltd (company number 03076445) is responsible for eight nuclear power stations at seven locations in England and Scotland² and holds an electricity generation licence issued under the Electricity Act 1989.

3. Schedule 9

Schedule 9 of the Electricity Act places a duty on electricity licence holders to have due regard to the preservation of amenity (as described in the Act) when formulating relevant proposals³. In Scotland the Act extends this duty to fisheries.

Section 38, paragraph 1(1) (England and Wales) and paragraph 3(1) (Scotland) of the Act states that:

"In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate or supply electricity –

(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects."

Section 38, paragraph 3(3) (Scotland) of the Act states:

"Without prejudice to sub-paragraphs (1) and (2) above, in exercising any relevant functions each of the following, namely, a licence holder, a person authorised by an exemption to generate or supply electricity and the Secretary of State shall avoid, so far as possible, causing injuries to fisheries or to the stock of fish in any waters."

4. Expertise

In order to be competent to fulfil its duties under Schedule 9, EDF NG:

- ensures that it has the capability to assess and understand the effects of its activities on amenity and fisheries whether in-house or via outsourced providers; and
- engages with Government, Statutory Environmental Bodies and Regulators and other competent bodies to remain informed of changes to best practice in relevant environmental sciences, particularly as applied to the energy sector.

¹ UK Fuel mix disclosure information, published by Government Department BEIS, recognises from wind, solar and nuclear fuel produces zero carbon dioxide emissions at the point of generation. EDF generated 34.3% of overall zero-carbon electricity generation in 2021.

² Dungeness B, Hartlepool, Heysham 1 and 2, Hinkley Point B, Hunterston B, Sizewell B and Torness.

³ Proposals referred to in paragraph 1(3) include:

- for the construction or extension of a generating station of a capacity not less than 10 megawatts, or for the operation of such a station in a different manner;
- for the installation (whether above or below ground) of an electric line; or
- for the execution of any other works for or in connection with the transmission or supply of electricity.

5. Company framework

EDF's company purpose is 'Helping Britain Achieve Net Zero' and involves working with customers and stakeholders to help the UK meet its Net Zero target by 2050 or earlier. The strategy to achieve this is detailed most recently within the 2022 [Sustainable Business Update](#). This identifies three aims, one of which is Responsible Business, which includes the objective: "*We minimise the environmental impact of our operations to ensure a cleaner, healthier and more resilient environment that benefits society and the economy*". EDF recognises the importance of protecting the planet and leaving nature in a better state than before.

The [EDF Environment Policy](#) (June 2022) sets out how the company minimises the environmental impact of its operations, seeking to reduce carbon emissions, waste, water use and negative impacts on biodiversity. The policy highlights key minimum requirements that each Business Unit should integrate into its effective deployment of the policy.

Recognising the importance of biodiversity to achieving net zero, EDF's [Biodiversity Standard](#) describes how a positive approach to biodiversity across all operations and through the entire value chain will be delivered.

6. EDF NG approach

Within this company framework, EDF NG protects amenity and fisheries by:

- advocating environmental awareness among staff and third party contractors through environmental policies and specifications supported by appropriate training and communication of relevant information;
- complying with statutory regulations and policy relating to preservation of amenity and fisheries;
- managing its landholdings and buildings with due regard to the environment by:
 - integrating good practice guidance into its management systems;
 - creating and maintaining a baseline record of amenity resources;
 - implementing management and monitoring plans to maintain and improve these resources;
 - actively identifying and promoting opportunities to deliver amenity enhancement and support nature recovery when undertaking activities, aligning with local and national policy priorities and targets;
 - providing public access, where appropriate, and interpretation material on non-operational land at NG power station sites to encourage interest in amenity features, boost wellbeing and enable connection to nature; and
 - engaging and working in partnership with local and national stakeholders.

7. Planning new projects

For relevant proposals covered by 1(3) (a) of Schedule 9 EDF NG will:

- seek early engagement with relevant stakeholders, according to the scope and extent of any impact from the relevant proposals, including statutory parties, local authorities, land interest parties and the local community, so that the results can be used to inform the design and operation of the project;
- comply with all legislative requirements relating to amenity and fisheries;
- obtain all relevant consents, approvals, permits and licences necessary from applicable planning and regulatory authorities, complying with all required conditions to any such approval or permission;
- ensure that relevant proposals follow the mitigation hierarchy by seeking to:
 - avoid impacts where-ever possible on protected or highly valued biodiversity, landscape, heritage, fishery or other amenity site or area, whether at the local, national or international level;
 - where impacts cannot be avoided, minimise these as far as practically possible through adoption of best practice project design;
 - implement appropriate mitigation measures to further reduce impacts on valued receptors; and
 - provide proportional compensation where impacts remain that cannot be avoided, minimised or mitigated.
- identify and implement opportunities to enhance the amenity resource associated with relevant proposals; and
- monitor the delivery of mitigation, compensation and enhancement measures to ensure they are effective and sustainable. Where measures are not delivering the required outcome, adapt management proposals to achieve success.

8. Reviewing this statement

EDF NG intends to review and, where necessary, update this Schedule 9 Statement every five years.