

PRESS RELEASE: FRIENDS OF THE EARTH CYMRU

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## EU COURT THREAT OVER PEMBROKE POWER STATION FAILURES

The UK Government is just one step away from appearing before the European Court of Justice because of failures to correctly apply three European Directives [1]. It follows a complaint submitted by Friends of the Earth Cymru to the European Commission in 2010 [2].

The European Commission has today sent a letter outlining details of its concerns relating to Pembroke power station [3]. These include breaching environmental standards, allowing sub-standard technology to be used, and failures to assess environmental impacts of the power station before granting consent for it to be built. As a result of these failures, a protected marine habitat has been damaged and large numbers of marine organisms are being killed.

Gareth Clubb, Director of Friends of the Earth Cymru, said:

“The European Commission agrees with us that there is a strong case for legal action. The UK and Welsh Governments breached an unprecedented number of European Directives in granting permission for the hugely damaging Pembroke power station to operate. As a result of their slapdash approach, wildlife and habitats are being trashed and they’re facing the prospect of appearing in court.

“Once again, we’re discussing systemic failures in due process and environmental governance. It’s about time governments started taking their environmental responsibilities seriously. The environment of Wales is one of our greatest assets; no-one benefits when some of our best environmental features are damaged”.

## NOTES

1. Article 258 of the Treaty of the European Union states: “If the Commission considers that a Member State has failed to fulfil an obligation under the Treaties, it shall deliver a reasoned opinion on the matter after giving the State concerned the opportunity to submit its observations. If the State concerned does not comply with the opinion within the period laid down by the Commission, the latter may bring the matter before the Court of Justice of the European Union”. <http://www.consilium.europa.eu/uedocs/cmsUpload/st06655-re01.en08.pdf>
2. [http://www.foe.co.uk/cymru/english/press\\_releases/pembroke\\_power\\_station\\_complaint\\_180610.html](http://www.foe.co.uk/cymru/english/press_releases/pembroke_power_station_complaint_180610.html)
3. **“Environment: Commission asks UK to act on Pembroke power station, urban waste water treatment, and update bathing water rules**

Today the Commission sent the **United Kingdom** three reasoned opinions on environmental matters. The first concerns Pembroke Power station, the largest gas-fired power station in Europe, where the power plant’s cooling system has a damaging impact on the surrounding ecosystem, which is a Marine Special Area of Conservation (SAC) protected under EU law. Under the [Environmental Impact Assessment](#) Directive and the [Habitats](#) Directive, development consent should only be given after all the potential environmental impacts have been assessed. This does not appear to have been the case

with the Pembrokeshire plant, where development and construction consents as well as a water abstraction licence and a permit for the dredging of the cooling system intake and outflow were granted before the full environmental assessments were completed. As a result, warm water with a heavy biocide load is currently being returned to the protected Milford Haven waterway. Many smaller fish, their eggs and other smaller organisms are affected by the cooling system, which passes large quantities of water from one end of the SAC through the plant and out the other side. The Commission letter also raises concerns about the application of the IPPC Directive on the final permits issued, in particular accepting this cooling system as Best Available Technology in this sensitive location and allowing an Environmental Quality Standard to be breached as a result”.

[http://europa.eu/rapid/press-release\\_MEMO-14-470\\_en.htm](http://europa.eu/rapid/press-release_MEMO-14-470_en.htm)

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