

NCU MOOT PROBLEM 2020

NOTIFICATION DATED JUNE 7, 2019

VILLAGE HEAD, APARAJ & ORS.

AND

REPUBLIC OF NEWLAND

NUCLEAR POWER CORPORATION OF NEWLAND LIMITED & ORS.

New Delhi | June 7, 2019.

On behalf of the National Green Tribunal, and in accordance with the applicable laws, I have the honor to acknowledge the receipt of the application for an appeal challenging the environment clearances granted to the Point Place Nuclear Power Plant. The parties agree that the information provided in the attached Schedule A accurately represents the factual background and request the Tribunal to decide this matter based on the facts contained herein.

I have the further honor to inform you that the case has been entered as 2020 Appeals List No. 117. The proceedings shall consist of memorials to be submitted to the Tribunal by March 30, 2020. Oral proceedings are scheduled for April 11, 2020 to April 12, 2020.

Registrar

National Green Tribunal

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SCHEDULE A

1. Republic of Newland (hereinafter “**Newland**”) is a south Asian country bounded by the Indian ocean on the south, the Arabian sea on the southwest, and the Bay of Bengal on the southeast. Newland shares land borders with six nations and has become a fast-growing major economy, a hub for information technology services, with an expanding middle class. It is a nuclear weapons state, which ranks high in military expenditure.
2. Being a mineral rich country, Newland depends heavily on non-renewable resources to fuel its energy requirements. Around 75% of electricity produced and consumed in the country are sourced from thermal power plants. The country is ranked third in the world in both power generation and power consumption. However, the demand of electricity in Newland is growing day by day with an increase in industrial growth and improvements in living standards. In order to meet the demand, Government of Newland has aimed to achieve energy security in the country. The fast depleting natural resources in the country has been foreseen by the Government of Newland and has led to think of augmenting share of alternatives such as nuclear power.
3. In January 2013, Government of Newland accorded in principle approval for a new site, for imported Light Water Nuclear Reactors (LWR) of 1000 MWe planned to be set up with international cooperation. Point Place is the site (recommended by site selection committee) in UpperC district of Galiburry state, where 6 Nuclear reactors of 1000 MWe each are to be established. The Nuclear Power Corporation of Newland Limited (NPCNL) is a Government enterprise in Newland and is the only authorized entity to build, design and operate nuclear power plants in the country. The Point Place Nuclear Power Plant (“NPP”) will aim to provide much needed electricity with minimal environmental impact and with comparable cost of electricity generation. Point Place Nuclear Power Plant is a coastal site project and thus falls under the purview of Coastal Regulation Zone (“CRZ”).
4. The proposed NPP at Point Place is 40 km away from UpperC district, Galiburry state. The site is located on west side of Galiburry with a total project area of 777 ha. The land use cover statistics of the area are given in Table 1.
5. The brief details of present land use of the proposed site to be acquired are presented in Table 2. The land use in terms of agriculture and non-agriculture land for the proposed site is given in Table 3.

Table 1 Land use statistics of NPP at Point Place

Land Use	% of distribution (Project area = 777 ha)	% of distribution (10 Km)	% of distribution (30 Km)

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Agriculture	78.05	69.24	71.97
Built-up	-	1.74	2.80
Forest	2.70	2.43	3.34
Waste land	19.25	23.89	16.58
Water body	-	0.99	0.84
Wetland	-	0.01	1.07
Others	-	1.70	3.40

Table 2 Break-up of Land in different villages- to be acquired

Sr. no	Village	Land (Hectares)		
		Private	Government	Total
1	Arapraj	584.94	164.73	749.67
2	Advam	10.59	-	10.59
3	Radpar	12.79	4.75	17.54
Total		608.32	168.48	777.80

Table 3 Classification of Land in the proposed site at Point Place, UpperC District

Sr. no	Village	Agriculture Land	Non-Agriculture Land	Total Land	No. of Khatedars	R&R Issues
1	Arapraj	583.18	166.49	749.67	310	Land to be acquired through Government of Galiburry.
2	Advam	10.55	0.04	10.59	19	
3	Radpar	12.68	4.85	17.54	11	
Total		606.41	171.39	777.80	340	

6. As per the requirements of *Environment (Protection) Act 1986*, and associated Notifications, NPCNL must obtain requisite Environmental Clearances from the Ministry

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of Environment, Forest and Climate Change (MoEFCC), Government of Newland, in accordance with the laid down procedure for Nuclear Power Project(s).

7. To obtain the said Environment Clearance, the NPCNL entrusted the work of “Environmental Impact Assessment (EIA report)” (inclusive of CRZ mapping) to “Engineers Newland Limited” (ENL) in August 2014, with a view to establish the baseline status with respect to various environmental components, after consultation with the MoEFCC.
8. The ENL collected baseline data for three seasons (summer, post monsoon and winter) within a radius of 10 km starting from December 2014 till November 2015 for analysis of its environmental impact. A comprehensive marine impact assessment was also done for evaluating the scenario and impact on marine ecosystem for the proposed NPP. Coastal Regulation Zone mapping was carried out to delineate High Tide Line (HTL) and Low Tide Line (LTL) along the proposed site as per CRZ notification 2011 by MoEFCC. An Environmental Management Plan (EMP) incorporating control measures is included in the Environmental Impact Assessment report for minimizing the adverse impact.
9. It is recorded in the Environmental Impact Assessment report that there is no sensitive eco-system in the intertidal area and the 500m coastal zone beyond High Tide Line. Moreover, this area is not included in any national park or sanctuary. Therefore, the proposed project activity will not affect any sensitive ecosystem. It is also recorded that the water quality parameters are within the acceptable limits for the coastal waters and that they are well mixed and free from any major pollution.
10. The Draft Environmental Impact Assessment report was submitted to the Galiburry State Pollution Control Board in the month of December 2016, which was then published on the official websites of NPCNL and Galiburry State Pollution Control Board.
11. Preparation of a detailed Rehabilitation and Resettlement (R&R) plan were to be taken up for compensation to the project affected people in line with the Newland’s National Rehabilitation & Resettlement Policy and in consultation with Galiburry State Government.
12. As the law requires, Galiburry State Pollution Control Board along with the district administration and NPCNL arranged public hearing in the month of April 2017. Written comments were invited from the people likely to be affected by the NPP. The public hearing was presided over by the Collector of UpperC District and involved about 5,000 locals from villages in the 10km radius of the project.
13. The Project announcements led to various protests in the area with the support of a local NGO, “Saving the Environment”. The NGO volunteers made public announcements regarding the possible health & environmental hazards which the proposed NPP may have on them and informed the locals that the Draft EIA report cannot be considered by

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the Authorities, as it is prepared by a Non-accredited EIA-Consultant i.e. ENL which is against the law.

14. Thereafter, at the time of Public Consultation, the Locals started protests, and intervened the presentation on EIA report. The Locals demanded that experts and non-profit organizations should also be allowed to participate in the public hearing and they should allow these experts to express views on behalf of locals. However, this request was not accepted by the collector citing that the laws are silent on the same. This led to public walkout from the consultation meetings. The District Administration sought written objections from the farmers to end the protest and assured that these objections would be considered by the appropriate forum before taking any further step.
15. The Expert Appraisal Committee (EAC), upon scrutiny remanded the proposal back to the Project Proponent (PP) in the month of January 2018 highlighting some of the short-comings in the same. The proposal was resubmitted by NPCNL to EAC after resolving the said short-comings in the month of June 2018 which was thereafter accepted, and the Project was recommended by the EAC for approval to the appropriate authority in the month of September 2018.
16. Three months later, on January 9, 2019 the NPP received the environment clearances along with CRZ approvals and same were uploaded on the website of MOEFCC on the next date. The notification of approval was uploaded on NPCNL's website on January 29, 2019. NPCNL also published the same in the local newspapers in vernacular language on the March 10, 2019.
17. An appeal challenging the grant of environmental clearances was filed by the head of Village Aparaj, Mr. Rahul Kumar against NPCNL before National Green Tribunal ("NGT") on June 7, 2019.
18. Now the matter is listed before NGT Principal Bench for final arguments.

****Laws of Republic of Newland are in pari materia with Union of India.***