

NUCLEAR WORKING GROUP – PAPER

**ENERGY REVIEW IMPLEMENTATION – NUCLEAR POLICY
FRAMEWORK**

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Summary:

Department of Trade & Industry (DTI) has developed a proposal for a policy framework under which developers will be able to make applications for new nuclear build.

In brief the proposal is as follows:

A policy framework (including a nuclear ‘statement of need’) in which national strategic and regulatory issues are most appropriately discussed through processes other than the planning inquiry.

We are seeking Members views on this proposal. A response is required by the 31 October 2006.

Recommendation:	It is recommended that Members respond to the consultation on the basis of the attached letter (Appendix 1).
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Impact on delivering the Corporate Plan: The framework would impact on the current corporate objective; HLE 3 – Influence and Strengthen local, regional and national nuclear related policies to ensure Copeland’s needs are reflected.

Impact on other statutory objectives (e.g. crime & disorder, LA21): Potentially it would have a serious affect on local planning methods and processes.

Financial and human resource implications: None

Project & Risk Management: N/A

Key Decision Status

- **Financial:**
- **Ward:** All Wards

Other Ward Implications: None

1.0 BACKGROUND

The Policy Framework

- 1.1 Government recognises the importance of public involvement in the land use planning system. In the context of nuclear power stations, planning inquiries will be an important part of this public involvement. However, in the past, where the planning inquiry has included discussions on strategic national and regulatory issues, as well as project specific and local issues, it has led to “an inefficient system, creating expense and uncertainty for all participants in the system”.
- 1.2 For nuclear projects, the Government considers that action should be taken to address some of the “generic” nuclear issues before specific nuclear proposals are considered through the planning system. The figure below sets out a framework for addressing the important issues that need to be considered before any new nuclear build can take place:



Statement of Need

- 1.3 The Government proposes that the most appropriate process for discussion of whether there is a requirement for nuclear power at a national level. This strategic position would be set out in the proposed policy framework, which includes a ‘Statement of Need’, and will be formalised in a White Paper. Planning inquiries should not focus on whether there is a need for nuclear power.
- 1.4 The proposed ‘Statement of Need’ is:

“The Government believes that nuclear has to play a role in the future UK generating mix because of its contribution to increased diversity of energy supplies and its role as a source of low carbon generation. The Government believes that the evidence gathered during the Energy Review and the associated public consultation supports such a view.”

- 1.5 Under this framework, the Government would assess planning applications on their merits. The policy framework and 'Statement of Need', formalised in a White Paper, would form a material consideration in future nuclear power station planning inquiries. The expectation is that planning inquiries should not consider whether there is a need for nuclear power. Any planning inquiry should then proceed on the basis that there has been public consultation on the relevant strategic issues and the outcome has been formalised in the White Paper. Planning inspectors would, therefore, have the ability to decide not to allow discussions of these issues at the inquiry, as they would have already taken place elsewhere.
- 1.6 The DTI welcome views on this approach. It is important to note that any new nuclear power stations would be proposed, constructed and operated by the private sector.

Strategic Siting

- 1.7 A Government-led strategic assessment, involving public consultation, should determine the high level environmental impacts of new nuclear build. The assessment should also establish the criteria for identifying the most suitable sites for nuclear power stations, and indicate how potential sites meet these criteria. As the public will have been fully engaged at a strategic level already, the same considerations should not then be re-assessed at a later public inquiry which is site specific.
- 1.8 The Government will begin this strategic siting assessment in early 2007. The process will involve public consultation.

The Role of Planning Inquiries

- 1.9 In the context of nuclear power stations, a planning inquiry will be an important part of public involvement in the land-use planning system. To avoid a costly and inefficient process, for future nuclear projects, the Government considers that the planning process (under section 36 of the Electricity Act 1989) should take place in the context of the proposed framework, where the strategic and regulatory issues are addressed in advance of planning inquiries.
- 1.10 The planning inquiry should focus on the relationship between the proposal and the local plans, and the local environmental impacts. It should also examine the local benefits of the development and how specific local impacts of the construction and operation of the plant can be minimised. The Government will reflect this policy in the setting of all terms of reference for planning inquiries. The inspector will retain the right to explore any issues, e.g. the safety features of a design, that they consider to be relevant to the decision on whether to grant planning permission, but they should not expect detailed oral evidence on these issues to be heard at the inquiry.
- 1.11 Although the planning inquiry plays an important role in providing a forum to discuss unresolved issues, it is preferable for all parties to reach common ground where possible. For this reason, the Government proposes to introduce new inquiry rules under the Electricity Act, which will affect all large generating stations, to support the policy framework outlined above with an increased focus

on front-loading the system and the use of pre-inquiry meetings to reach positions of common ground in advance of the inquiry.

2.0 ASSESSMENT

- 2.1 The proposal seeks to speed up the New Build planning process and establish nuclear as an integral part of the energy mix. This will in essence remove this need from consideration as a material planning consideration in weighing up the merits or otherwise of such a proposal. This will establish a regime separate from that for consideration of other proposals. However, this short cut methodology could set a precedent for 'difficult' types of development such as nuclear waste stores, which is of concern to the Council. However, It is Council policy to support the concept of new build.
- 2.2 The need for nuclear energy is a given and thus is not up for inquiry under the proposed planning framework. If this is accepted then this is a deviation from existing planning procedures. The Council supports nuclear as a strategic option and accepts that it could not argue against the strategy but would wish to articulate an opinion on site specifics.
- 2.3 The Government proposes a high level assessment of candidate designs for new build put forward by developers which is a statutory requirement to ensure that the benefits of any activity giving rise to ionising radiation, outweighs any adverse health consequences. The purpose of this is to remove high-level strategic questions of the health and safety aspects of nuclear power - for example, 'is nuclear power safe?' – from the planning inquiry arena. It is important to clarify how robust the assessment of safety and environmental impact is at such an early strategic stage. These assessments are normally iterative and become more vigorous throughout the design implementation and commissioning stages
- 2.4 What would be important at this stage is that there is full and comprehensive public consultation, including stakeholders, to secure as full a scrutiny of the benefits and detriments, as necessary. As part of their strategic assessment, involving public consultation, the Government would also establish criteria for identifying the most suitable sites for nuclear power stations and indicate how potential sites meet these criteria. They state that as the public will have been fully engaged at a strategic level already, the same considerations should not be reassessed at a later public inquiry. However, will the earlier assessment of the chosen sites stand the test of time to justify not revisiting at the public inquiry?
- 2.5 Also, there is no timetable on the siting assessment, except it will commence in 2007. As Copeland is a nuclear community it would expect to be fully consulted on this whole process. The Council asks is it possible at this early stage for the design to be fully assessed by the regulators? Regulatory reassurance and assessment is iterative and is based on site-specific design so it could be difficult up front and early. It is imperative that this is a thorough assessment with comprehensive public engagement. This is a correct approach to evaluating alternative sites on a national basis. It does not seem a correct that this assessment cannot be re-examined at an inquiry.

- 2.6 Lessons must be learnt from the way that the Committee on Radioactive Waste Management (CoRWM) carried out their work in terms of public engagement nationwide and thorough assessment. Should we replicate the CoRWM process, which was universally accepted as good practise? This stage has similarities with the early stages of the implementation process proposed by CoRWM in terms of screening sites.
- 2.7 Government states high-level safety and environmental strategies will not be revisited at Public Inquiry. The Council supports the concept of conducting a national Strategic Environmental Assessment (SEA), but a site specific Environmental Impact Assessment (EIA) would still need to be part of any site planning enquiry. Furthermore, the pre-setting of strategic high-level siting criteria would reduce flexibility in finding suitable locations. We suggest that strategic siting criteria should be capable of being reviewed during the siting decision-making process.
- 2.8 Changes in local circumstances, community aspirations and more detailed examination of sites, may impact on whether specific sites continue to be viable. That a nationwide assessment has been undertaken strengthens the case at a public inquiry, but it should be complemented, if necessary, by further detailed examination at the local level, as part of the planning application process, the Local Development Framework process and the planning inquiry process, as relevant. Therefore the strategic assessment of whether sites are viable sites should not be a 'given' to the local inquiry.
- 2.9 Nuclear power stations are controversial developments required by Government in the national interest with serious perceived implications for local areas. The Council takes the view that communities that meet the siting criteria should be candidates for the volunteerism, veto and community benefits approach recommended by CoRWM in respect of long-term radioactive waste disposal.
- 2.10 The Government proposes that the inspector at an inquiry should act on the assumption that the regulators will properly discharge their respective duties in the areas of health and safety, security, non-proliferation and radiological discharges to the environment. This is a valid point, which is applied in the consideration of planning proposals. The planning system should not duplicate controls that exist elsewhere.
- 2.11 Preliminary statements on the authorisability of candidate designs for new nuclear power stations are supported. Prior and parallel regulatory considerations of proposals will inform the planning process.

3.0 CONCLUSION

- 3.1 It is recommended that Members respond to the consultation on the basis of section 2 above.
- 3.2 A draft 'Letter of Response' to the DTI is attached for Members comments. (Appendix 1).