

---

# Framework for Public Participation – Nuclear New Build United Kingdom Perspective

Rory Wallace - Head, New Nuclear Policy Framework

  
Department for  
Business, Energy  
& Industrial Strategy

# Agenda

1. Energy and Climate Change context
2. Enabling Policy Framework
3. Enabling framework for new nuclear power
4. UK nuclear power landscape
5. National Policy Statement and Planning
6. Summary

# Climate change commitments



## Climate Change Act 2008

### CHAPTER 27

### CONTENTS

#### PART 1

#### CARBON TARGET AND BUDGETING

##### *The target for 2050*

- 1 The target for 2050
- 2 Amendment of 2050 target or baseline year
- 3 Consultation on order amending 2050 target or baseline year

##### *Carbon budgeting*

- 4 Carbon budgets
- 5 Level of carbon budgets
- 6 Amendment of target percentages
- 7 Consultation on order setting or amending target percentages
- 8 Setting of carbon budgets for budgetary periods
- 9 Consultation on carbon budgets
- 10 Matters to be taken into account in connection with carbon budgets

##### *Limit on use of carbon units*

- 11 Limit on use of carbon units

##### *Indicative annual ranges*

- 12 Duty to provide indicative annual ranges for net UK carbon account

##### *Proposals and policies for meeting carbon budgets*

- 13 Duty to prepare proposals and policies for meeting carbon budgets
- 14 Duty to report on proposals and policies for meeting carbon budgets
- 15 Duty to have regard to need for UK domestic action on climate change

## Policy Commitments

- End unabated coal generation by 2025
- Ban on diesel and petrol car sales 2040

BEIS  
Department for  
Business, Energy  
& Industrial Strategy



# Energy & Climate Change Challenges

## SECURITY OF SUPPLY

Reduced reliance on volatile fossil fuels or intermittent renewables.

Baseload power – generates energy  
85-90% of the time

## AFFORDABILITY

Costs comparable with other large scale low carbon generation.

Modelling consistently shows that decarbonising the UK is cheaper with nuclear power than without

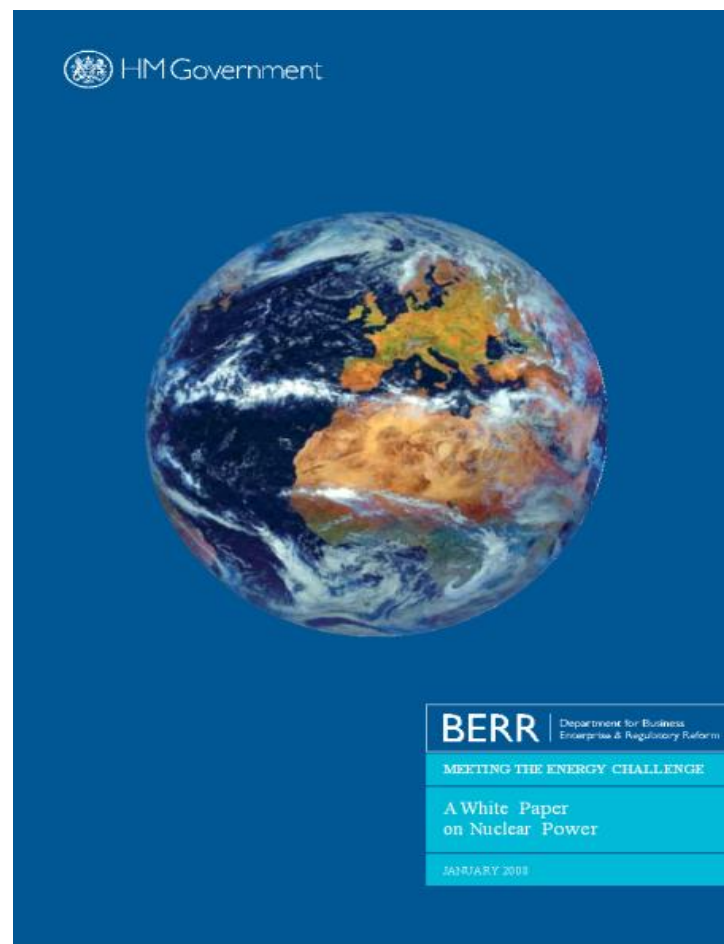
## LOW CARBON

Similar lifetime carbon emissions to renewables

Nuclear power's reliable firm power reduces the challenges of managing intermittent renewables on the Grid.

# Enabling policy for new nuclear

***“The Government believes new nuclear power stations should have a role to play in this country’s energy mix alongside other low carbon sources....and that the Government should take active steps to facilitate this.”***



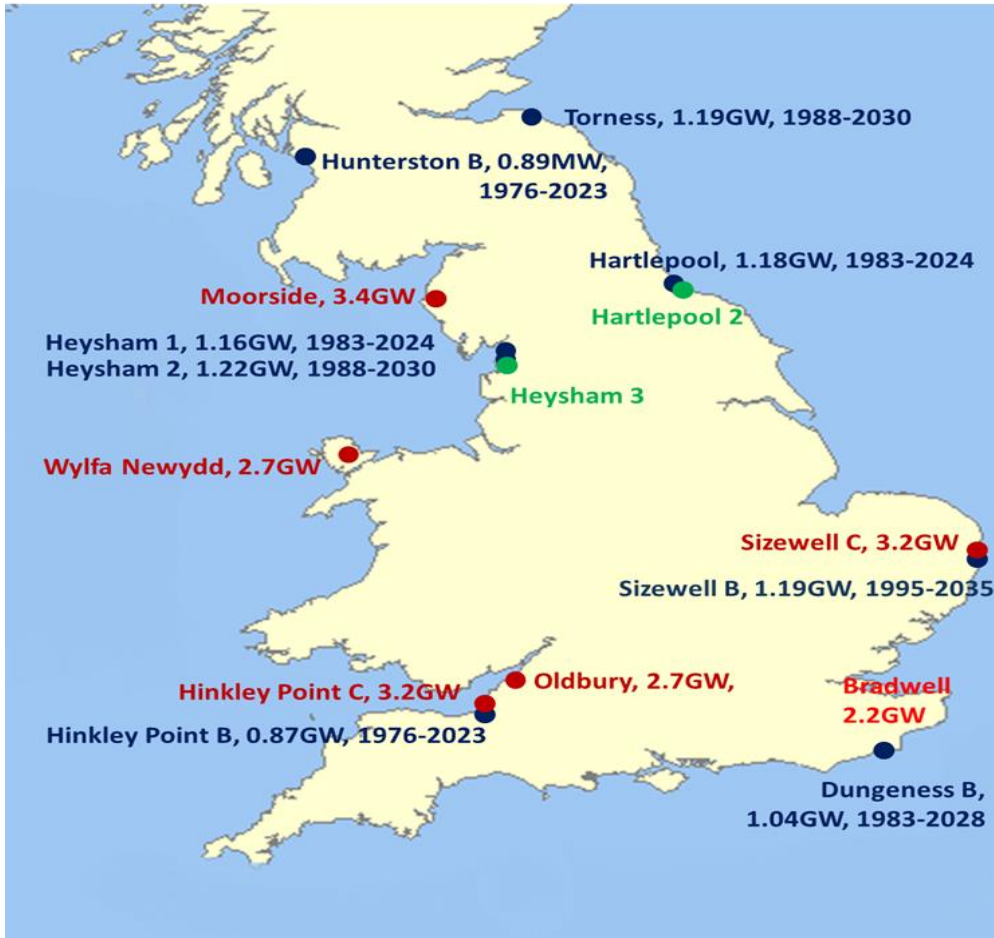
Business, Energy  
& Industrial Strategy

# Enabling Framework for New Nuclear



# The UK's Nuclear Landscape

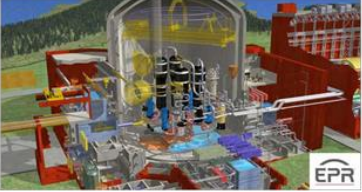









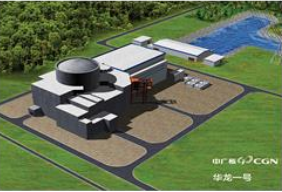

- Sites currently generating
- *NPS sites with development proposed*
- *NPS Sites, no proposals at present*



- The UK currently has 8 nuclear power stations comprising 15 individual reactors (>25% of UK electricity – 9GWe). Most scheduled to close in 2020s.
- 8 sites in the UK identified as potentially suitable for nuclear new build in the National Policy Statement (NPS).
- Industry proposals for six projects Hinkley Point C, Sizewell B, Wylfa, Oldbury, Moorside and Bradwell – at very different stages of development.

Department for  
Business, Energy  
& Industrial Strategy

# Current Industry Proposals

GDA	Licensing	Construction	
<p>EDF/Areva</p> 		<p>Hinkley Point C</p> 	<p>Sizewell C</p> 
<p>Westinghouse</p> 			<p>Moorside</p> 
<p>Hitachi-GE</p> 			<p>Wylfa</p> 
<p>General Nuclear Systems</p> 		<p>BRB GenCo</p>	<p>Bradwell</p> 



# Nuclear New Build – Pre construction activities

Generic Design Assessment (GDA) of reactor (Office for Nuclear Regulation, Environment Agency, Natural Resources Wales)

Nuclear Site Licence (Office for Nuclear Regulation)

Operational Environmental Permits for nuclear power station (Environment Agency, Natural Resources Wales)

Site investigation and construction Environmental Permits for site and associated developments (Environment Agency, Natural Resources Wales)

Marine works licence (Marine Management Organisation, Natural Resources Wales)

Public and stakeholder consultations (Nuclear energy company)

Marine studies (Nuclear energy company)

Environmental studies (Nuclear energy company)

Planning process (Development Consent Order) (Planning Inspectorate and Government)

Justification of practice (Government)

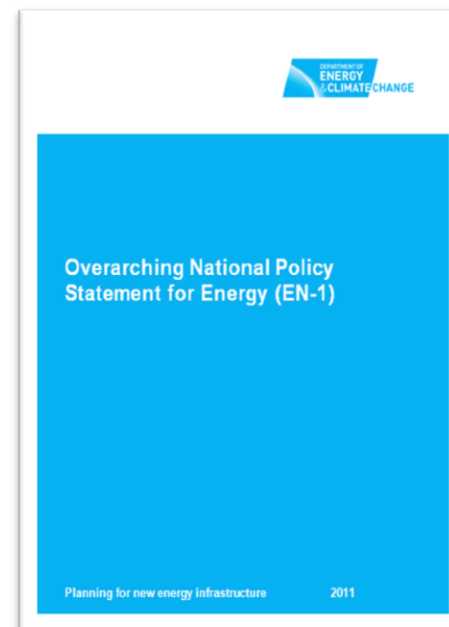
Funded decommissioning programme and waste transfer contract (Government)

Grid connection agreement (National Grid)

4 – 7 years

# National Policy Statements

- The National Policy Statements (NPS) set out national policy for Nationally Significant Infrastructure Projects (NSIPs)
- The NPS provides the basis for decisions by the Secretary of State (SoS) on applications for consent for nationally significant energy developments
- But the SoS must also have regard to any local impact report submitted by a relevant local authority, any relevant matters prescribed in regulations, the Marine Policy Statement and any applicable Marine Plan, and any other matters which the SoS thinks are both important and relevant to their decision.
- They set out the need case for new energy infrastructure.
- NPS 6 (Nuclear Power) is the only “site specific” NPS.



# The role is to determine planning applications for major energy infrastructure in England and Wales



Thermal power stations



Gas transporter pipelines and underground storage



Offshore renewable energy generation



Overhead power lines

# National Policy Statements

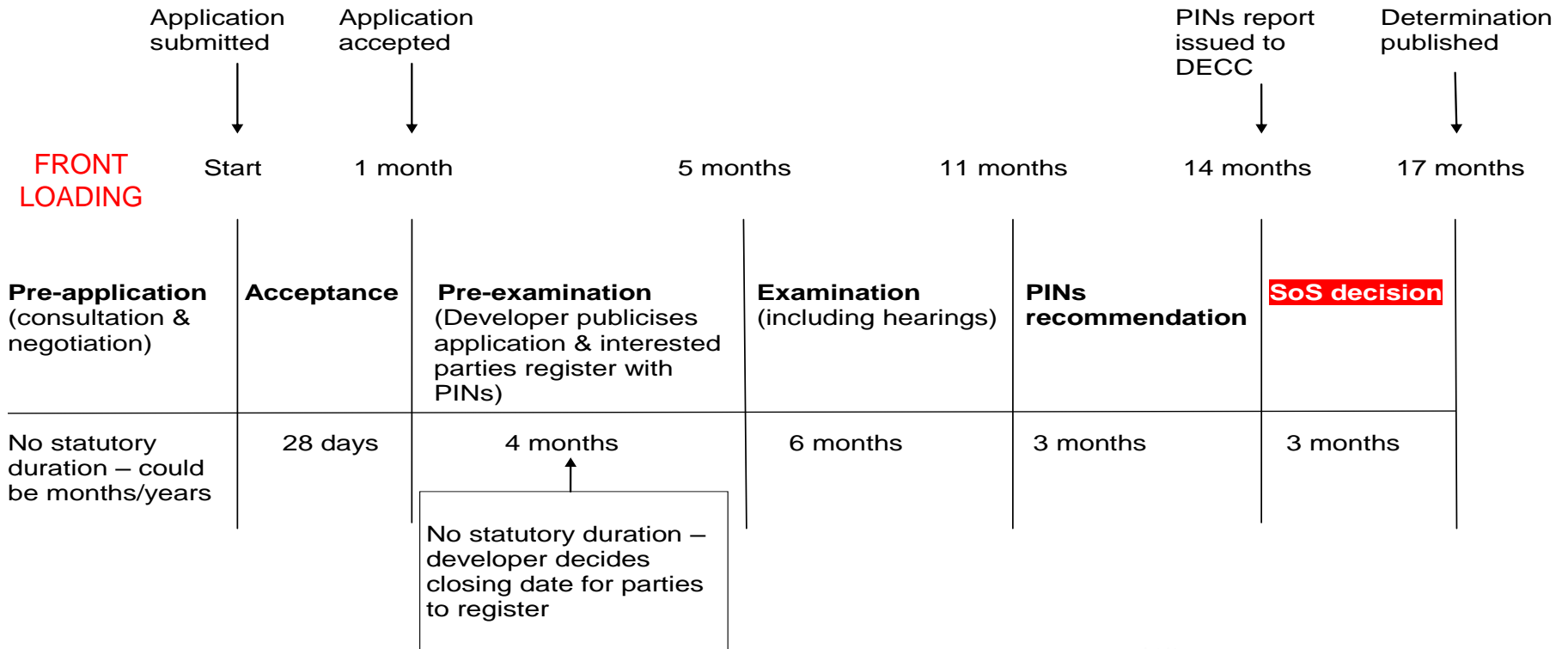
The Planning Act 2008 requires that the Secretary of State must decide an application for energy infrastructure in accordance with the relevant National Policy Statement and ensure that where relevant:

- the UK is meeting its international obligations;
- It is not in breach of any statutory duty;
- Is lawful;
- Any adverse impacts from the development do not outweighing the benefits



Department for  
& Industrial Strategy

# The Planning Act 2008 sets out statutory timescales for consideration of applications



# Pre-application

- The developer informs The Planning Inspectorate that it intends to submit an application.
- Before submitting the application, the developer must carry out consultation on the proposals.
- Taking part in the pre-app consultation is a good way to influence the project.
- The developer is under a legal duty to demonstrate that it has had regard to consultation responses at this stage.
- **Aarhus Convention** Requirements



No statutory timescale

# New Build Consultation – Horizon Wylfa Project

- Undertaken three stages of Pre-Application Consultation with the community to help shape plans, the first being in 2014
- Over 100 consultation events
- Regular newsletter to 33,000 households
- An independently chaired Project Liaison Group (PLG), which meets four times a year, set up in 2010 to keep stakeholders informed
- Held monthly open surgeries since 2009 so people can meet and talk to their team as well as undertaking local briefings, meetings
- Statement of Community Consultation sets out in detail how they consult with communities and stakeholders



# Acceptance

- When the developer formally submits the application, the Planning Inspectorate, must decide whether or not the application meets the standard required to be examined.
- The Planning Inspectorate will check the application documents and plans to make sure all the required information is included.
- During the acceptance stage the Inspectorate will also ask whether the relevant local authorities think the applicant's pre-application consultation was adequate before deciding whether or not to examine the application.



Statutory 28 days timescale



# Pre-examination

- If the application is accepted the Examining Authority can be appointed. The Examining Authority can be a single Examining Inspector or a panel of up to 5 Examining Inspectors.
- The public (in the UK or elsewhere) will be able to register with the Planning Inspectorate and provide a summary of their views of the application in writing by submitting a 'Relevant Representation' in order to become an Interested Party.
- At the Pre-examination stage interested parties will be invited to attend a Preliminary Meeting to discuss how the application will be examined.

No statutory timescale – 3 months approx

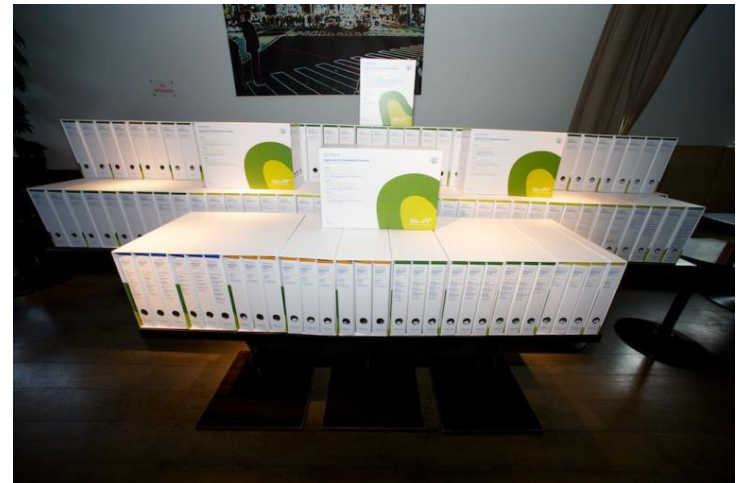


Department for Business, Energy & Industrial Strategy

# Examination

- Interested Parties are invited to provide more details of their views in writing.
- This is an opportunity to set out your case and if you want to, expand on any views provided in your Relevant Representation.
- The Examining Authority will also ask written questions.
- Hearings may be held:
  - Open Floor Hearing
  - Issue Specific Hearing
  - Compulsory Acquisition Hearing

Statutory 6 months timescale



100  
Department for  
Business, Energy  
& Industrial Strategy

# Recommendation

- Following the close of the Examination, the Examining Authority will write a report containing its conclusions and recommendations for the Secretary of State.
- The report is sent directly to the Secretary of State and is not published until the Secretary of State has made their decision on whether or not to grant consent.

Statutory 3 months timescale



Department for  
Business, Energy  
& Industrial Strategy

19

# Decision

- Ministers are under a duty to behave fairly and impartially in the decision-making procedure;
- Ministers and officials must not entertain privately made representations or have private discussions with any interested party on live planning applications, and they should not express views on the merits of a proposed scheme;
- There is a clear separation between policy and decision making teams;
- It is possible the Secretary of State may want to consult further during this period.

Statutory 3 months timescale



© Crown  
Department for  
Business, Energy  
& Industrial Strategy

20

# Judicial Reviews

- There is no appeal procedure for decisions under the Planning Act 2008.
- An application may be made to the High Court (Planning Court) for judicial review of a decision within 6 weeks of the decision being made.



Department for  
Business, Energy  
& Industrial Strategy

# Espoo/Aarhus – Transboundary Consultation

- If application is accepted and if **'likely significant impacts'** from the project are identified, this could trigger notification to other States under Espoo
- Differences in opinion on 'likely'
- UK Policy position is to notify irrespective of likelihood of impact as a result of ongoing dialogue with Espoo Implementation Committee
- Retrospective action after development consent has been provided – UK cases before Espoo Implementation Committee and Aarhus Compliance Committee
- Hinkley Point C consultation with other States
  - Six States requested further dialogue
  - 21,000 responses – primarily from Germany
- Aarhus approach for future projects requires engagement by UK with other States, if their citizens are interested in project

Department for  
Business, Energy  
& Industrial Strategy



# Why do we communicate and engage?

Whether we're the final decision maker, we're making joint decisions with others, or we're seeking to influence others we communicate and engage to:

- reduce miscommunication, misunderstandings and conflict
- raise awareness of our role and the role of others
- help understanding of each others' views, concerns and values
- be informed by others knowledge, including on local matters, leading to better decision making
- increase mutual trust
- enable people to influence and understand, if not agree with, outcomes
- encourage problems to be jointly owned and solved
- take people on the decision-making journey with us, making it more open and accountable
- enable those who wish to, to help inform our decisions
- comply with legal obligations and expectations

  
Department for  
Business, Energy  
& Industrial Strategy

# Further Information

- Nuclear White Paper 2008 - <http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/files/file43006.pdf>
- Generic Design Assessment website: [www.onr.org.uk/new-reactors/index.htm](http://www.onr.org.uk/new-reactors/index.htm)
- Planning Act 2008 - [www.legislation.gov.uk/ukpga/2008/29/contents](http://www.legislation.gov.uk/ukpga/2008/29/contents)
- National Policy Statement
- [www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure](http://www.gov.uk/government/publications/national-policy-statements-for-energy-infrastructure)
- [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/37051/2009-nps-for-nuclear-volume1.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37051/2009-nps-for-nuclear-volume1.pdf)
- [rory.wallace@beis.gov.uk](mailto:rory.wallace@beis.gov.uk)



