

# **The Government response to Parliamentary Scrutiny of the draft National Policy Statements for Energy Infrastructure**



**Department of Energy and Climate Change**

**The Government Response to  
Parliamentary Scrutiny of the draft  
National Policy Statements for Energy  
Infrastructure**

Presented to Parliament pursuant to section 9(5)  
of the Planning Act 2008

**October 2010**

**London: The Stationery Office**

**£19.75**

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This publication is also available on our website at <https://www.energynpsconsultation.decc.gov.uk/>

ISBN: 9780108509339

Printed in the UK for The Stationery Office Limited  
on behalf of the Controller of Her Majesty's Stationery Office

ID P002393256 10/10

Printed on paper containing 75% recycled fibre content minimum.

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# Introduction

## Background

- 1.1 The Planning Act 2008 made provision for applications for development consent in respect of nationally significant infrastructure projects (NSIPs) to be examined and decided by the Infrastructure Planning Commission (IPC) and for the Government to set out policy on the consenting of such projects in National Policy Statements (NPSs).
- 1.2 The Act requires NPSs to undergo both parliamentary scrutiny and public consultation before they can be designated (i.e. finalised) which allows the IPC to be a decision-making body. When the NPS relating to a particular type of infrastructure is only in draft form, the IPC makes recommendations to the Secretary of State who makes a decision based upon the IPC recommendation.

## Parliamentary scrutiny of the draft energy National Policy Statements

- 1.3 The Planning Act 2008 requires that draft NPSs are subject to parliamentary scrutiny.
- 1.4 The documents scrutinised by Parliament and consulted on publicly were:
  - Draft Overarching National Policy Statement for Energy (EN-1);
  - Draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2);
  - Draft National Policy Statement for Renewable Energy Infrastructure (EN-3);
  - Draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4);
  - Draft National Policy Statement for Electricity Networks Infrastructure (EN-5);
  - Draft National Policy Statement for Nuclear Generation (EN-6);
  - Appraisal of Sustainability (AoS) of the draft NPS EN-1 to 6 (separate documents for each);
  - Habitats Regulations Assessment of the draft NPS EN-1 to 5;
  - Habitats Regulations Assessment Reports of the draft Nuclear NPS EN-6; and

- Draft Impact Assessment for EN-1 to 6.
- 1.5 Parliament decided to scrutinise the draft energy NPSs by designating:
- the Energy and Climate Change (ECC) Select Committee to undertake the main element of scrutiny in the House of Commons; and
  - the Grand Committee to undertake the main element of scrutiny in the House of Lords.
- 1.6 Parliamentary scrutiny has to be completed by the end of the relevant period set by the Government. The end of the relevant period for the draft energy NPSs laid before Parliament on 9<sup>th</sup> November 2009 was 6<sup>th</sup> May 2010.

### **Public consultation on the draft energy National Policy Statements**

- 1.7 The Planning Act 2008 also requires public consultation on draft NPSs.
- 1.8 The public consultation was held between 9<sup>th</sup> November 2009 and 22<sup>nd</sup> February 2010. The Government received over 3,000 responses to the public consultation.

### **Changes to the Planning Act 2008 regime**

- 1.9 Following the election in May 2010, the Government has announced that it intends to abolish the IPC and replace it with a Major Infrastructure Planning Unit (MIPU) based in the Planning Inspectorate.
- 1.10 The intention is to retain the IPC's fast-track application and examination processes. Examination of applications will be carried out by the new MIPU in accordance with the clear policy framework provided in NPSs, with final decisions on Major Infrastructure Projects (MIPs) being taken by Ministers, on the basis of recommendations by the MIPU.
- 1.11 The Government will introduce primary legislation to achieve this. The Government has also announced transitional arrangements until the new legislation is in place to ensure that there are no delays in applications for major infrastructure being submitted. This will involve the IPC continuing its present role until it is abolished. During this interim period, if an application reaches decision-stage and the relevant NPS has been designated, the IPC will decide the application. If an application reaches decision stage and the relevant NPS has not been designated, the IPC will make a recommendation to the Secretary of State, who will take the decision.
- 1.12 The Government will also make arrangements for NPSs to be ratified by Parliament before they are designated. Because the Planning Act 2008 in its current form does not provide for ratification, it is proposed that each energy NPS will only be designated if it has been expressly approved by Parliament. Ratification will ensure increased democratic accountability into the process of

deciding upon the new major infrastructure that is essential for the economic prosperity of our country. The Government intends that arrangements for the ratification of future NPSs should be formalised as part of the reforms of the Planning Act 2008 referred to above.

## **How these changes affect the current parliamentary scrutiny of the draft energy NPSs**

- 1.13 The parliamentary scrutiny of the draft energy NPSs published in November 2009 will be completed once a debate on the draft energy NPSs has been held in the full chamber of the House of Commons as recommended in the ECC Select Committee report (recommendation 1). The Government agrees that a debate should be held in the House of Commons and in view of the decision to re-consult on the revised draft NPSs (see below), it makes sense for this debate rather to focus on the new, rather than the old drafts. The Government will make time for a debate after the publication of this response document and the revised energy NPSs. This response to Parliament contains the Government's response to the parliamentary scrutiny process that has been undertaken and completed to date.

## **Re-consultation on the revised draft energy NPSs**

- 1.14 Having considered the responses from Parliament (recommendation 29 of the ECC Select Committee report) and the public consultation, the Government has made changes to the draft energy NPSs and AoSs. Given the changes that have been made, the Government is now re-consulting on the revised draft NPSs and associated documents. The annex to this response summarises the key changes that have been made to the revised draft NPSs and associated documents.
- 1.15 Alongside this response to Parliament, the Government is publishing its response to the original public consultation, a consultation document, revised draft energy NPSs, AoSs and Habitats Regulations Assessments (HRAs). All documents are available electronically at:  
[www.energynpsconsultation.decc.gov.uk](http://www.energynpsconsultation.decc.gov.uk)

# Energy and Climate Change

## Select Committee Proceedings

- 2.1 As part of its scrutiny of the draft energy NPSs published in November 2009 the ECC Select Committee issued a call for written evidence on 11<sup>th</sup> November 2009 and held oral hearings in January and February 2010. The Department of Energy and Climate Change also forwarded responses that it had received from the public consultation to ECC to facilitate the scrutiny process.
- 2.2 The Committee published its report on the proposals for the draft energy NPSs along with the minutes of oral hearings and written evidence on 23<sup>rd</sup> March 2010. These are available at:  
<http://www.publications.parliament.uk/pa/cm/cmenergy.htm>
- 2.3 The Committee's report made thirty recommendations and conclusions. This report contains the Government's response to those recommendations and conclusions.

# Proceedings in the House of Lords

3.1 As part of the scrutiny of the draft energy NPSs published in November 2009, the House of Lords Grand Committee held debates on:

- the overarching energy NPS (EN-1) on 23<sup>rd</sup> February 2010;
- the NPS on nuclear energy (EN-6) on 9<sup>th</sup> March 2010; and
- the non-nuclear technology specific NPSs (EN-2 to EN-5) on 11<sup>th</sup> March 2010.

## Grand Committee debates

3.2 Members of the House of Lords raised a number of issues during the three Grand Committee debates on the draft energy NPSs. We note where these issues are the same as recommendations from the House of Commons ECC Committee in our response to the ECC recommendations. We also provide a summary of these issues in this response document.

3.3 There were a number of other important issues raised by the Grand Committee during their scrutiny of the draft energy NPSs. The Government has summarised these issues and provided responses in this response document.

3.4 The responses to each issue given during the relevant debate can be found in the full transcripts from Hansard, which are available for:

- the debate on 23<sup>rd</sup> February 2010 at <http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100223-gc0001.htm#10022355000090>;
- the debate on 9<sup>th</sup> March at <http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100309-gc0001.htm#10030975000025>; and
- the debate on 11<sup>th</sup> March at <http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100311-gc0001.htm#10031148000414>.

## House of Lords debate

3.5 Following the Grand Committee debates Members of the House of Lords laid resolutions to amend:

- part 3.1 of EN-1 so that the case for all forms of sustainable and low carbon energy is strengthened from "significant" to "being of critical importance" to delivering the UK's energy policy goals of secure and affordable energy supplies and mitigating climate change;
  - EN-1 to spell out specifically the Government's environmental targets to mitigate climate change;
  - Section 2.3 of EN-2 to include a provision that the approval of any fossil fuel power station by the IPC will be conditional upon it meeting emission performance standards for carbon dioxide (CO<sub>2</sub>) laid down by the Secretary of State;
  - EN-4 to spell out the specific duties required of a statutory harbour authority to carry out a quantitative risk assessment and to make public the conclusions of that assessment and the safety measures that will be required throughout the life cycle of the facility before consent is granted for a liquefied natural gas terminal in any port or harbour for which the authority is responsible; and
  - EN-6 to include in Part 5 the Dungeness site as suitable for nuclear development as it is premature at this stage to exclude Dungeness as a potential site for such development.
- 3.6 A debate was held in the chamber of the House of Lords on 29 March 2010. The full transcript of this debate can be found in Hansard at: <http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100329-0003.htm#1003292000420>.
- 3.7 All five motions were withdrawn; however, for completeness we have set out the motions and a short Government response in this report.

# Energy and Climate Change

## Committee recommendations and Government response

- 4.1 The ECC Committee's report made thirty recommendations and conclusions. These are set out below together with the Government's response to each.

### Recommendation 1:

*This Report makes a number of recommendations which we expect the Government to take account of before designating the energy NPSs. Given the importance of the Statements in delivering our energy and climate change objectives, we recommend that they be subject to a debate in the main Chamber on an amendable motion, offering the possibility of a vote. If there is not time to schedule a debate before the dissolution, it is imperative that this take place at the earliest opportunity in the next Parliament. (Paragraph 5)*

### The Government's response

- 4.2 The Government agrees with this recommendation (except as regards the form of motion on which the House would vote). We have committed to make the time for a debate after the publication of this document and revised draft energy NPSs to allow the House of Commons the opportunity to debate the new suite of documents.
- 4.3 We also believe that the NPSs should be subject to ratification by Parliament so that they have the strongest possible democratic legitimacy. As well as being debated in the House of Commons, we believe that the revised draft energy NPSs should be subjected to a binding vote. The Government will introduce changes to provide for ratification of NPSs through the Localism Bill. Until the ratification process has been brought into force following passage of the Localism Bill the Government has made a commitment not to designate NPSs without going through an informal ratification process in which it will consider any votes to be binding. The energy NPSs will be subject to this informal ratification process.

### Recommendation 2:

*Because of the short timescale for our work, we have not been able to consider in detail each of the sites proposed for new nuclear development. It would, therefore, be inappropriate for us to form a judgement on their suitability. However, our inquiry has accumulated a significant body of evidence, particularly in relation to individual sites, which we hope the Department will take account of in addition to its own consultation responses. (Paragraph 6)*

## The Government's response

- 4.4 The Government has considered the evidence provided on sites to the Select Committee alongside evidence received during the public consultation. Our response to this evidence (which includes evidence provided at the individual site events) concludes that the proposed sites at Dungeness, Braystones and Kirkstanton are unsuitable. These sites are therefore not included in the revised draft EN-6.
- 4.5 Full details are presented in the Government's response to the public consultation.

## Recommendation 3:

*The Government's energy and climate change targets and objectives influence crucially the level of need for new energy infrastructure. It is therefore vital that the overarching energy NPS states clearly what those objectives are, especially with regard to carbon emission reductions, energy security and affordability; how performance against those objectives is to be measured; and that it sets out more explicitly the link between those objectives and the need for new infrastructure. We recommend the Government reconsiders the current expression of policy in the draft NPS with this concern in mind. It would be wholly undesirable for sloppy or unclear drafting to result in unintended outcomes. (Paragraph 12)*

## The Government's response

- 4.6 A clear statement of Government objectives is crucial to meeting key goals on carbon emission reductions, energy security and affordability, and on 27<sup>th</sup> July 2010 the Government presented the first annual energy statement (AES) to Parliament<sup>1</sup>. The AES set out the Government's energy policy and the range of actions the Government is taking to support the transition to a secure, safe, affordable energy system in the UK.
- 4.7 At the same time, the Government has given a great deal of thought to the expression of key policies in the revised draft NPSs in the light of the Committee's observations above and other comments.
- 4.8 While the revised draft energy NPSs contain background material on a variety of relevant aspects of energy policy, it is important to remember that the particular policies on the consenting of major energy infrastructure (which it is their function to set out) form only one of a number of ways by which Government seeks to bring about the construction of secure, safe and affordable low carbon energy infrastructure. Thus, the revised draft NPSs make clear:

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<sup>1</sup> This is available on the DECC web site at:  
<http://www.decc.gov.uk/assets/decc/What%20we%20do/UK%20energy%20supply/237-annual-energy-statement-2010.pdf>

- that the key goal of energy policy to which they relate is that of maintaining safe, secure and affordable supplies of energy to GB consumers (individuals or businesses) in the shorter and longer term without jeopardising the target, set in the Climate Change Act 2008, of an 80% reduction in UK green house gas emissions by 2050;
- what kinds of new infrastructure will be needed to achieve this target;
- how the NPSs, as a policy framework for assessment of applications for development consent, will facilitate the construction of infrastructure, in a way which balances the need for new infrastructure against the need to follow the principles of sustainable development.

### Recommendation 4:

*The Government's draft overarching energy NPS focuses primarily on power generation and does not take a sufficiently holistic view of the energy sector. We believe the statement of policy in EN-1 should make more explicit reference to transport and heating, especially as the electrification of these sectors will be crucial in achieving a low-carbon economy and will impact on the need for new generating capacity. Furthermore, although this would constitute an addition to Government policy, we recommend the incorporation of the Committee on Climate Change's proposal that the electricity sector should be fully decarbonised by 2030 if the UK is to be on course to meet its 2050 target for greenhouse gas emissions. This would provide a long-term view of the UK's energy requirements that would better inform the IPC's decision-making on new generating capacity. (Paragraph 15)*

### The Government's response

- 4.9 This issue was also raised in the House of Lords Grand Committee debate on the overarching energy NPS.
- 4.10 We have made more explicit references to all energy sectors in the revised draft EN-1. Low-carbon electricity will provide a very large proportion of the UK's future low-carbon energy. The 2050 pathways analysis<sup>2</sup> published by DECC shows that substantial levels of electrification of industry, heating and the transport sectors is needed if we are to meet our climate change goals. The increased use of electricity for these sectors means that demand for electricity is likely to rise, which implies the UK needs urgent substantial, sustained investment in low-carbon electricity generation technologies, beyond current levels. It makes sense to switch to electricity where practical, because electricity can be used for a wide range of activities, often with high efficiency compared to other fuels, and can, to a large extent, be scaled up to meet demand.
- 4.11 This is an important part of the revised need case for new energy infrastructure and is reflected in Part 3 of the revised draft EN-1.

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<sup>2</sup> This is available at: [http://www.decc.gov.uk/en/content/cms/what\\_we\\_do/lc\\_uk/2050/2050.aspx](http://www.decc.gov.uk/en/content/cms/what_we_do/lc_uk/2050/2050.aspx)

- 4.12 Other low carbon technologies are also likely to be required. For example in heating, the use of waste heat from power stations, solar thermal technologies and energy from waste may be important and could reduce the burden on the electricity system. In road transport, biofuels and fuel cells may also be long-term contributors, particularly for modes that are hard to electrify. Even so, a significant degree of electrification appears to be necessary.
- 4.13 The Government agrees that it should be aiming to almost decarbonise the power sector, and makes clear in the revised draft EN-1 how the various elements of a diverse electricity generation mix, including renewables, nuclear and fossil fuel plant with Carbon Capture and Storage (CCS) should make this possible.
- 4.14 To ensure we meet our climate and energy objectives, the Government is currently conducting a detailed appraisal of the way the electricity market should be designed. The Electricity Market Reform project will assess the role that a carbon price, Emissions Performance Standard, revised Renewables Obligation, Feed-in Tariffs, capacity mechanisms and other interventions could play in delivering a system that supports investment in a secure, low carbon, affordable electricity mix for 2020 and beyond.

## Recommendation 5:

*The 2020 target for renewable energy means there is a clear and unambiguous need for new large-scale renewable generating capacity in the next decade, regardless of the level of expansion in small-scale renewables. The Department should examine whether this need is expressed adequately in EN-1. Moreover, we are concerned that there are perceived doubts over the credibility of the target for renewable generation. In the next Parliament the Government should evaluate whether its policy levers are commensurate with its stated objectives. A lack of buy-in to the achievability of the Government's targets will otherwise undermine the role of the NPS. (Paragraph 21)*

### The Government's response

- 4.15 This issue was also raised in the House of Lords Grand Committee debates on the overarching energy NPS and the non-nuclear technology NPSs and a motion in the main chamber of the House of Lords.
- 4.16 We have expressed clearly Government's commitment to meeting the UK's target of 15% renewable energy by 2020 in EN-1 and how this feeds into the need case for new renewable generating infrastructure which is set out in the revised draft of EN-1 (see Part 3). We expect this infrastructure to come primarily in the form of large amounts of onshore and offshore wind generation with smaller amounts of bio-energy. We are seeking the advice of the Committee on Climate Change (CCC) on how we can increase the level of ambition for energy from renewable sources.
- 4.17 Data from 2009 (the last year for which data is available) shows that 6.7% of our electricity comes from renewable sources. This has increased from 1.8%

in 2002. The Government also draws encouragement from the substantial scale of the renewable generating projects which are either currently under consideration under the pre-Planning Act 2008 regime or which the IPC has identified as likely to be the subject of development consent applications in the near future.

- 4.18 The Government acknowledges that the renewables target is challenging, but continue to believe that it is achievable. The clear statements of development consent policy on renewable generating infrastructure set out in the NPSs will help to facilitate further progress, and a number of measures outside the planning system have been taken to incentivise the construction of renewable generation capacity, notably through the Renewables Obligation. However, Government is not complacent and will keep under review whether more needs to be done, either in development consent policy or other terms, such as during the upcoming Electricity Market Reform (EMR).
- 4.19 The Government is also working to secure increased investment in wave and tidal generation, investing in research which improves offshore wind technologies, and promoting development of sustainable “advanced” biofuels.

### Recommendation 6:

*The draft overarching energy NPS states: “there is a significant need for new major energy infrastructure”. However, the Government’s own analysis for non-renewable generating capacity suggests the anticipated need over the next decade could be largely met already through projects that are either under construction or have received planning consent under the existing regime. If the Government accepts this, but maintains there is still a need for significant levels of non-renewable capacity, the implication is that it either believes its targets for renewable energy will be missed, or that nuclear or CCS infrastructure will not come forward in sufficient quantities to meet requirements. The Department should look again at the evidence put forward in EN-1. Furthermore, the current assertion of the need for new conventional generating capacity reduces the likelihood that the renewables target will be met. (Paragraph 26)*

### The Government’s response

- 4.20 The Government does not accept the premise that its target for renewables will be missed or that nuclear or CCS infrastructure will not come forward in sufficient quantities to meet demand. The UK urgently needs new infrastructure that reflects the need for security of supply on the basis of diverse and low carbon sources including renewables, nuclear and fossil fuels with CCS.
- 4.21 The UK faces a major challenge in moving to a low carbon economy and industry needs to be able to deliver significant amounts of new energy infrastructure over the next 15 years and beyond to 2050.
- 4.22 There is around 22 Gigawatts (GW) of generating capacity expected to close in the coming years, particularly before 2020. As of April 2010, there was

around 20 GW of new build plants under construction or with planning consent. Such figures which refer to projects under construction or with planning consent, are only set to replace the generation capacity lost through closures and do not take account of the need to move to low carbon sources of generation. The intermittent nature of many renewables and the UK's likely reliance on wind means that these plants will need to be 'backed up' with highly flexible fossil fuel power stations.

- 4.23 Moreover, the 2050 Pathways Analysis<sup>3</sup> work shows the need for even greater amounts of electricity in the run up to 2050. It shows that reductions in electricity consumption resulting from improvements in energy efficiency will be far outweighed by increases in electricity demand, potentially leading to a doubling of electricity demand between now and 2050. Generation capacity will need at least to double to meet this demand and, if a significant proportion of our electricity is supplied from intermittent sources, such as wind, then the total installed capacity might need to triple.
- 4.24 The scenario described in the revised energy need statement in EN-1 indicates that by 2025 the UK might need around 113 GW of total electricity capacity (compared to around 80 GW now); of which 59 GW would be new build. The Government has revised the energy need statement in EN-1 so that it incorporates the latest modelling available.
- 4.25 The amount of new generating capacity consented does not necessarily convert into new capacity being constructed, as consent is sometimes only one of a number of hurdles a project must overcome, and as energy companies continue to weigh up their options, and the precise mix of the new electricity capacity to be deployed will depend on specific decisions made by energy companies operating within an effective regulatory framework with strategic Government interventions.

### Recommendation 7:

*National Grid believes gas imports will be much greater in the next 10 years than the Department's own analysis in EN-1 suggests. We recommend the Government looks again at its predictions for gas demand and adjusts its assessment of the need for new gas supply infrastructure accordingly. If it remains content with its assessment, it should explain why it differs so substantially to National Grid's analysis. (Paragraph 29)*

### The Government's response

- 4.26 The Government agrees with this recommendation. DECC has looked again at its gas demand projections which have increased since the publication of the draft NPS in November 2009.

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<sup>3</sup> This is available at: [http://www.decc.gov.uk/en/content/cms/what\\_we\\_do/lc\\_uk/2050/2050.aspx](http://www.decc.gov.uk/en/content/cms/what_we_do/lc_uk/2050/2050.aspx)

- 4.27 DECC's central projection for UK gas demand in 2020 is now around 70 bcm<sup>4</sup>. This assumes (as did the previous estimates) the full and timely success of the Government's Renewable Energy Strategy and demand reduction policies.
- 4.28 National Grid's gas demand projections reflect a somewhat different methodology which includes exports to the Republic of Ireland and to continental Europe. National Grid's central projections, in addition, do not make the same assumption about the impact of Government policies.
- 4.29 Once projected continental exports are deducted from National Grid's total gas demand projections, their central estimate for 2020 becomes around 90 bcm (some of which will go to the Republic of Ireland). National Grid also show a "Gone Green" scenario, where they assume that the UK's environmental targets are met. In this scenario, they estimate that net gas demand (for Great Britain and Ireland) will fall to around 78 bcm of gas in 2020, a figure much closer to DECC's estimates.
- 4.30 Estimates of net gas imports are affected by the differences, noted above, in the methodologies for estimating demand. They also reflect definitional differences underlying estimates of indigenous gas production (concerning the treatment of biogas, unconventional gas, and gas produced and supplied but not entering the National Transportation System (NTS)).
- 4.31 The effect of methodological differences underlying DECC's and National Grid's figures for indigenous gas production can be eliminated by calculating gas imports as the difference between DECC's production figures<sup>5</sup> and, respectively, DECC's and National Grid's demand projections. This shows that:
- DECC's UK net import demand at 37bcm in 2020; and
  - National Grid's "Gone Green" British and Irish net import demand at 45 bcm in 2020. (This figure is net of National Grid's projections for gas demand from continental Europe.)
- 4.32 DECC has included the updated figures in the revised draft NPS.

### Recommendation 8:

*There is significant concern that decision-making by the IPC could give rise to an energy infrastructure that risks breaching the UK's carbon budgets, making it more difficult to decarbonise the electricity sector in the longer term. In the first instance, the Government must look again at the policy levers that give rise to this concern - particularly its reliance on the EU Emissions Trading Scheme as the main means of*

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<sup>4</sup> DECC June 2010 demand projections are available at: <http://www.decc.gov.uk/en/content/cms/statistics/projections/projections.aspx>

<sup>5</sup> February 2010 UKCS production figures are available at: [https://www.og.decc.gov.uk/information/bb\\_updates/chapters/Section4\\_17.htm](https://www.og.decc.gov.uk/information/bb_updates/chapters/Section4_17.htm).

*delivering low-carbon infrastructure. The Government's policy must ensure that projects would not come forward that threatened the achievability of its carbon reduction targets - otherwise this undermines the credibility of these targets. (Paragraph 36)*

### **The Government's response**

- 4.33 This issue was also raised in the House of Lords Grand Committee debate on the overarching energy NPS.
- 4.34 NPSs set the framework for decisions by the IPC. Furthermore the energy NPSs make very clear the terms on which new infrastructure can be approved by the IPC, including the requirements on Carbon Capture Readiness (CCR) and Carbon Capture and Storage (CCS).
- 4.35 The EU ETS is the cornerstone of Government's climate change policy. The Government is pushing for an EU agreement to move from a 20% to a 30% reduction target by 2020, which will strengthen the carbon price signal. In addition the creation of a carbon price floor is an important commitment in the Programme for Government and as announced in the emergency Budget, the Government will publish proposals this autumn to reform the climate change levy to provide more certainty and support to the carbon price.
- 4.36 The Government agrees however that market mechanisms, such as the EU ETS, alone are not sufficient to deliver our low carbon objectives. This is one of the reasons why the Government is taking forward work, through the Electricity Market Reform project, to ensure the electricity market framework can cost effectively deliver the low-carbon investment needed in the long term whilst maintaining security of supply.
- 4.37 The Government published (in July 2010) its 2050 pathways project which sets out various low-carbon scenarios for achieving our long term 2050 target.

### **Recommendation 9:**

*In the event that planning applications may still come forward that threaten a breach of the carbon budgets, we believe there should be a role for the IPC in acting as a safeguard by considering the life-cycle carbon emissions of proposed new plant. However, we accept it is not the role of the IPC to monitor whether its decisions are in accordance with the carbon budgets. Accordingly, we recommend: (Paragraph 37)*

- *The inclusion of a specific requirement within the overarching energy NPS on applicants to conduct a full life-cycle carbon assessment of their proposals, including that of the supply chain;*
- *The Committee on Climate Change (CCC) be made a statutory consultee for planning applications. To avoid delaying the application process, we would expect it to take a risk-based approach in determining which applications to comment on—for example, further new gas-fired power stations. The CCC and the IPC should then agree a memorandum of understanding that would*

*set out a protocol covering the sharing of information on applicants' carbon assessments;*

- *The IPC should take account of any evidence the CCC chooses to submit with respect to particular applications; and*
- *The CCC should be required to report annually on the cumulative emissions arising from developments consented by the IPC as part of its overall monitoring of progress against the carbon budgets, which would flag up to Ministers the need for action if the Commission was at risk of locking the UK into a high-carbon energy mix.*

### **The Government's response**

- 4.38 The issue of life-cycle carbon emissions was also raised in the House of Lords Grand Committee debates on the overarching energy NPS and the non-nuclear technology NPSs.
- 4.39 The Government does not believe that there is a need to require applicants to conduct assessments of the full life cycle of carbon emissions of proposed new plants. There is a legal framework already in place, introduced by the Climate Change Act 2008, that requires our carbon budgets to be met and on central scenario projections published in June 2010<sup>6</sup> we are on track to reduce emissions to below our first three carbon budgets by 29 MtCO<sub>2</sub>e (2008-12), 68 MtCO<sub>2</sub>e (2013-17) and 50 MtCO<sub>2</sub>e (2018-22) respectively.
- 4.40 Furthermore, the Environmental Impact Assessment Directive requires applicants to provide an environmental statement with their applications, setting out the likely significant effects of the proposed project. These effects include impacts on climate and the direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project.
- 4.41 The Committee on Climate Change (CCC) already has a strong scrutiny role, and is required to report annually to Parliament on progress towards meeting the UK's carbon budgets and targets. If the Committee considered that its indicators or milestones, for example on energy intensity or wind capacity, were not being met, the CCC would report its findings to Parliament in its annual progress reports. The Government would then need to set out in its response its views on such recommendations and what action it intended to take. The CCC is also a statutory consultee for NPSs and must be consulted when Government publishes a draft NPS or proposes to amend an NPS.
- 4.42 The Government is also required, under the Energy Act 2010, to regularly report on progress towards the decarbonisation of the electricity sector, including the decarbonisation of coal-fired power stations, and on progress made in the development and use of CCS technology. The reports must also

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<sup>6</sup> Updated energy and emissions projections, published in June 2010 are available at: <http://www.decc.gov.uk/assets/decc/Statistics/Projections/67-updated-emissions-projections-june-2010.pdf>

include a review of whether, in the light of its other findings, Government policies should be revised. In preparing the reports the Government will need to take into account any relevant points raised by the CCC's progress reports towards the reduction targets set out under the Climate Change Act 2008.

- 4.43 The Government is also giving careful consideration as to whether a CCS demonstration project on gas would prove beneficial and add value to the programme of four CCS demonstration projects, as recommended by the Committee on Climate Change<sup>7</sup>.

### Recommendation 10:

*These measures would exist as safeguards, though we believe an intervention by the CCC would constitute a failure of Government policy. In this instance the Government should consider revising the NPS better to enable the achievement of its long-term targets. A potential future option could be the introduction of a hierarchy of preferred generation technologies to guide more directly the IPC's decision-making. (Paragraph 38)*

### The Government's response

- 4.44 The issue of a hierarchy of technologies was also raised in the House of Lords Grand Committee debate on the overarching energy NPS.
- 4.45 The Government does not agree with this recommendation. The overarching energy NPS sets out how the energy sector can help deliver the Government's climate change objectives by clearly setting out the need for new low carbon energy infrastructure to contribute to climate change mitigation. The implementation of the Planning Act 2008 (and the projected reforms to it) does not represent a departure from the established view that the development of new energy infrastructure is a market-led process, nor do they mean a move towards setting detailed targets for the construction of particular types of infrastructure. Meeting our objectives for both tackling climate change and improving our energy security will require a broad mix of energy technologies.
- 4.46 However, in view of the Government's policy to issue an Annual Energy Statement and of the requirements of the Planning Act 2008 as regards to keeping the NPSs under review, the government will be watching both the flow of applications for consent to the IPC and the outcome of those cases to determine whether they are in line with the expectations about future infrastructure development on which the NPS policies were based.
- 4.47 Furthermore, through the Electricity Market Reform Project, the Government will be assessing the role that a carbon price, emissions performance standard, revised renewables obligation, Feed-in Tariffs, capacity mechanisms and other interventions could play in delivering a system that

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<sup>7</sup> Committee on Climate Change letter advising Government on the approach to fossil fuel generation is available at: <http://www.theccc.org.uk/news/press-releases/610--committee-advises-government-on-approach-to-fossil-fuel-generation>

supports the delivery of a secure, low carbon, affordable electricity mix for the 2020's and beyond.

### Recommendation 11:

*The IPC's decision-making will be informed by weighing the assessment of need set out in the NPSs against the potential impacts of developments. It is important, therefore, that the NPSs provide sufficient guidance to inform this balancing of factors. We recommend the Department reviews the draft NPSs to ensure consistency of language throughout the six main Statements and their supporting documents. We note too that, although a key role of the overarching energy NPS is to establish the case for need, the IPC should still expect to receive evidence on this issue in particular cases, for example when a proposal presents significant potential adverse impacts. (Paragraph 42)*

### The Government's response

- 4.48 This issue was also raised in the House of Lords Grand Committee debates on the overarching energy NPS and the non-nuclear technology NPSs.
- 4.49 The Government agrees that it is very important that to use language consistently where the meaning is the same. We have worked to improve the current documents to ensure a consistent use of language.
- 4.50 The Government recognises that the balancing of benefits, including National need, against adverse impacts will not be easy, and will depend very much on the individual circumstances of an application. The IPC is required<sup>8</sup> to have regard to any matters that it considers both important and relevant when deciding an application. The IPC will therefore use its own judgement on many points when considering and weighing up the various factors before making a decision.
- 4.51 However, it is also important to remember the role of the need case. It states the Government's view that there is an urgent need for infrastructure of the kinds covered by the NPSs. It is designed to avoid the need for the IPC to form a view on such preliminary questions as, "do we need more power stations?", or "do we need offshore wind farms?". But it is for the IPC to determine, having regard to the need for infrastructure as expressed in the need case, the assessment principles and policies set out in the NPSs and the evidence before it in each case, whether consent should be granted given the potential impact of a development: it follows that not all applications will necessarily receive development consent.

### Recommendation 12:

*We recommend the Department looks again at its criteria for assessing carbon capture readiness (CCR) as set out in the draft NPS to examine whether they reflect sufficiently the EU Directive on the Geological Storage of Carbon Dioxide. The IPC's*

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<sup>8</sup> Planning Act 2008 Section 104 (2) (d)

*interpretation of the criteria will be crucial in determining the success of applications before it. We therefore also recommend the Government provides further clarification in the NPS on how it expects the IPC to assess applicants against the CCR requirements, having regard to the risks this might pose for the Government's carbon reduction targets. Clarity is also required about the necessity for the IPC to assess the economic feasibility of CCR, given the Commission's assertion to us that it is primarily a matter for the developer. This appears to contradict the draft NPS and the Government should settle the matter conclusively. We also recommend that the Government looks again at the wording of the NPS in relation to gas CCS, as concerns have been raised that the need to demonstrate economic feasibility could prevent its development. (Paragraph 48)*

### The Government's response

- 4.52 The issue of economic feasibility of CCR was also raised in the House of Lords Grand Committee debates on the overarching energy NPS and the non-nuclear technology NPSs.
- 4.53 We have considered how the requirement for assessing CCR is expressed in EN-2 and we are satisfied that it reflects the provisions of Directive 2009/31/EC sufficiently. An assessment of technical and economic feasibility is explicitly required under Article 33<sup>9</sup> of the Directive.
- 4.54 As the Commission noted, the onus of carrying out assessments is on the operator; however, it is the Member State's responsibility to ensure that such assessments are carried out properly and that the proposed generating station will meet the conditions required. The Directive's requirement to assess economic feasibility is particularly challenging because it requires the making of a judgment about whether it will be economically feasible (itself an imprecise concept) to retrofit and operate a technology which has yet to be demonstrated at commercial scale at some point in the next 30 or so years, against a background of assumptions which all involve significant uncertainty (as to future carbon prices, equipment costs etc). However, on the basis of the Department's experience in dealing with CCR cases under the Electricity Act regime, we believe that the guidance we have published provides a workable framework for applicants and decision-makers.
- 4.55 We accept the recommendation that EN-2 should provide more explicit information on how applicants should assess technical and economic feasibility. There is detailed advice in the guidance note "Carbon Capture Readiness (CCR): A guidance note for Section 36 Electricity Act 1989 consent applications" published by the Department in November 2009<sup>10</sup>. We have amended section 4.7 of EN-1 and section 2.3 of EN-2 to include more information from the guidance, although we expect that applicants and the

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<sup>9</sup> Directive 2009/31/EC are available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:140:0114:0135:EN:PDF>

<sup>10</sup> Available on the Department's web site at: [http://www.decc.gov.uk/publications/basket.aspx?FilePath=What+we+do%5cUK+energy+supply%5cDevelopment+consents+and+planning+reform%5celectricity%5c1\\_20091106164611\\_e\\_%40%40\\_ccr\\_guidance.pdf&filetype=4](http://www.decc.gov.uk/publications/basket.aspx?FilePath=What+we+do%5cUK+energy+supply%5cDevelopment+consents+and+planning+reform%5celectricity%5c1_20091106164611_e_%40%40_ccr_guidance.pdf&filetype=4)

IPC will refer to the guidance when preparing or considering a development consent application for a combustion generating station of 300 MW or more.

### Recommendation 13:

*The development of a future carbon dioxide network will be integral to the future deployment of carbon capture and storage. It is at present a glaring omission from the draft energy NPSs, which we recommend the Department rectifies. (Paragraph 51)*

#### The Government's response

- 4.56 This issue was also raised in the House of Lords Grand Committee debate on the non-nuclear technology NPSs.
- 4.57 Government agrees that the development of a future carbon dioxide network will be integral to the future deployment of carbon capture and storage (CCS). The Government's intention is to create a framework that facilitates this development while recognising that the extent and scale of this wider deployment is uncertain at the moment and is likely to remain so until such point as the cost and effectiveness of CCS is better understood. Through the Government demonstration programme, we expect up to four pipelines will be built. Beyond the demonstrations, we are currently scoping a CCS roadmap which will consider how we build the right infrastructure for CCS.
- 4.58 The Planning Act 2008 development consents have replaced authorisations under the Pipelines Act 1962 which includes carbon dioxide (CO<sub>2</sub>) pipelines. Pipeline developers will therefore benefit from measures in the Planning Act 2008. The IPC will therefore act as a recommending body on any CO<sub>2</sub> pipeline application until a covering NPS is in place. EN-4 on oil and gas pipelines provides a steer on generic pipeline issues to be considered in an application until this point. To facilitate networks, the Pipeline Act authorisations also include powers to require the modification of a pipeline and secure access for a third party to existing pipeline capacity. Where modification or access is granted and where the parties are unable to reach agreement, the regulatory authority is also able to determine the commercial terms on which this takes place.
- 4.59 For pipelines conveying CO<sub>2</sub>, an EU Directive on the geological storage of CO<sub>2</sub> requires the UK to implement arrangements to facilitate third party access to both pipelines and storage sites on and offshore which will support the development of CO<sub>2</sub> transportation networks.
- 4.60 We will be consulting on how to implement these provisions and seeking industry views on the development of CO<sub>2</sub> infrastructure post-demonstration later this year and intend to include onshore CO<sub>2</sub> pipelines in the suite of NPSs at a later date.

## Recommendation 14:

*The current draft NPS on renewables, EN-3, reflects the Government's current policy on the fuel sources for biomass and energy from waste power plant. However, we are concerned that the IPC is directed not to consider the sustainability of biomass fuel. Although to do this would require a change of policy, we believe the existing draft guidance would mean the IPC would not be able to examine fully all adverse environmental, social and economic impacts as it is required to do in paragraph 4.1.1 of EN-1. We therefore recommend the Department revises EN-3 to require all biomass power station applicants to make a full assessment of the sustainability of their fuel sources. We also recommend that the Department reassesses whether its current guidance on energy from waste ensures that only waste that cannot otherwise be economically recycled or reused is sourced as feedstock for energy from waste production. (Paragraph 55)*

### The Government's response

- 4.61 The sustainability of biomass fuel sources was also raised in the House of Lords Grand Committee debates on the overarching energy NPS and the non-nuclear technology NPSs.
- 4.62 We note this recommendation. However, we consider that introducing sustainability controls under an incentive regime, rather than through planning, offers the important benefits of applying the same sets of standards across the bioenergy market, and provides formal opportunities for review in light of developing good practice and innovations in feedstocks.
- 4.63 Therefore, on 27 July, DECC published a consultation on the Renewable Obligations Order<sup>11</sup>. This includes proposals for the introduction of sustainability criteria for biomass and bioliquids used for electricity generation. The consultation closes on 19 October 2010.
- 4.64 We are proposing these criteria include a minimum Green House Gas (GHG) emissions saving, assessed across the lifecycle, relative to fossil fuel, and general restrictions on the use of materials from land important on carbon or biodiversity grounds. We intend to introduce these criteria under the Renewables Obligation from April 2011, and to apply the criteria to both existing and new power plants.
- 4.65 The appropriate sections of EN-3 has been revised to reflect this.
- 4.66 The EU's revised Waste Framework Directive (rWFD) (2008/98/EC) aims to ensure that waste is managed in a way that protects human health and the environment, and reduces the overall impact of resource use. The rWFD establishes a five step waste hierarchy that Member States are required to apply as a priority order in waste prevention and management legislation and policy. The priority order is:

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<sup>11</sup> The consultation is available at: <http://www.decc.gov.uk/en/content/cms/consultations/ro/ro.aspx>

- waste prevention;
- preparing for re-use;
- recycling; other recovery (e.g. energy recovery); and
- disposal.

4.67 The rWFD allows for departure from the hierarchy where that would deliver a better overall environmental outcome. Government is currently working to transpose the rWFD, including the waste hierarchy provisions, into national law. A second consultation on this in England and Wales was held between 8 July 2010 and 16 September 2010<sup>12</sup>. The consultation included draft guidance on the practical application of the waste hierarchy in England; it is proposed that businesses and local authorities have regard to it when making decisions on waste management. The guidance reflects the best available scientific evidence on the relative environmental benefits of various management options. It stresses that, in environmental terms, recycling is better than other types of recovery for most waste materials. We are planning to update the waste hierarchy guidance annually to take account of scientific and technological developments.

### Recommendation 15:

*We agree that at this stage there is no urgency to include technologies such as wave and tidal in the renewables NPS. Nevertheless, EN-3 should set out the Government's intentions for how these technologies will be dealt with in future versions of the NPS. We note too that a decision over whether to pursue one of the proposed Severn tidal projects will require a substantial revision of EN-3, if not a new NPS in its own right. (Paragraph 57)*

### The Government's response

- 4.68 This issue was also raised in the House of Lords Grand Committee debates on the overarching energy NPS and the non-nuclear technology NPSs.
- 4.69 We accept that the NPSs should set out how tidal and wave technologies will be dealt with when they become commercially viable at 50MW and above in onshore waters (e.g. the Severn or Mersey estuaries) and 100 MW and above offshore.
- 4.70 We intend to include wave and tidal technologies in the suite of NPSs at a later date.

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<sup>12</sup> Link to the consultation website can be found at: <http://www.defra.gov.uk/corporate/consult/waste-framework-revised/index.htm>

## Recommendation 16:

*We accept that, in the absence of a targeted policy to encourage combined heat and power, it is difficult for the NPSs to indicate a greater preference for CHP than that which is already present in the current draft. If in the future, the Government decides to introduce a more spatial approach to the non-site specific NPSs, we recommend it considers whether it could use this to promote further deployment of CHP where it is cost-effective to do so. (Paragraph 60)*

### The Government's response

- 4.71 We have already set out details on combined heat and power (CHP) in EN-1 and it is for developers to consider where a generating station should be located.
- 4.72 There is potentially no limit to the detailed work that would be needed to consider every possible potential site for all types of energy infrastructure. Even if it were not impossible to carry out such a task, it is hard to see what benefits it would bring, either environmentally (since each project is likely to need a detailed Environmental Impact Assessment (EIA)) or for security of supply.
- 4.73 The large number of sites that might be necessary to make adequate provision for security of supply could suffer “planning blight” as investment in other forms of development (e.g. housing) would not be forthcoming in anticipation of development of major energy infrastructure projects – whether or not such development was planned or materialised.
- 4.74 The Government has issued guidance<sup>13</sup> for power station consents applications, that sets out the specific steps developers must undertake in order to fully consider CHP. This guidance will continue to be relevant to the planning process, and the Government hopes to consult on revised guidance later this year.

## Recommendation 17:

*Planning consent from the IPC for new nuclear power stations will entail the storage of high-level radioactive waste on-site for up to 160 years. From the perspective of the community affected, it is a misnomer to describe this as interim storage as it will be several lifetimes between the commencement of a power station's operation and the eventual removal of waste from that site. A key objective of the new NPS framework is to focus discussion on planning applications on site-specific issues. As such, we believe on-site storage cannot be ruled out from the IPC's deliberations and that the nuclear NPS should contain significantly more detail on what interim storage will entail for local communities and for the integrity of any site chosen. (Paragraph 70)*

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<sup>13</sup> This is available at:

<http://www.decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/development%20consents%20and%20planning%20reform/guidance/file35728.pdf>

## The Government's response

- 4.75 The Government agrees that the role of the IPC in relation to how radioactive waste, and in particular higher activity waste, is managed should be clarified. On the presumption of a once through fuel cycle (and therefore assuming no reprocessing of spent fuel), "higher activity waste" will comprise of spent fuel and intermediate level waste.
- 4.76 The Government draws a distinction between two separate issues. First on whether, in principle, waste can be managed and disposed of in a satisfactory manner. The Government's view on this question is made clear in EN-6 and therefore this is not a point that the IPC should consider.
- 4.77 The second issue is the nature of the onsite facilities proposed for the management of radioactive waste produced on that site and the associated operational activities. The Government agrees that there are planning issues relating to this which it is appropriate for the IPC to consider. The Government has therefore amended Annex B of EN-6 to clarify the position.
- 4.78 In making its assessment that onsite interim storage of spent fuel might be needed for 160 years, the draft NPS took a conservative approach to ensure that local communities are aware that it is possible that onsite interim storage might be required for this length of time. In light of the responses to the consultation, the Government has reviewed the assumptions which underpinned the scenario that onsite storage for 160 years might be required.
- 4.79 On the basis of the NDA's current indicative timetable, a Geological Disposal Facility (GDF) is expected to be available to take spent fuel from new nuclear power stations from around 2130, which is approximately 50 years after the likely end of electricity generation for the first new nuclear power station (on the basis that it begins operation in around 2018 and has an operational lifetime of 60 years).
- 4.80 The Government will expect operators to ensure their waste is disposable when a GDF is available to accept the waste and notes that NDA has identified steps that operators can take to meet that requirement. In particular, further analysis conducted by NDA since the publication of its disposability assessments has estimated that the duration of storage of spent fuel after the end of power station operation could in principle be reduced to the order of 50 years through combining in disposal canisters fuel from the earlier years of operation with fuel from the later years of operation.
- 4.81 The Government has therefore clarified the position in the revised draft Nuclear NPS and Government does not expect interim storage to be required for as long as 160 years.

## Recommendations 18 and 19:

*We do not dissent from the process adopted by the Government for identifying a site for the eventual storage of radioactive waste deep underground. However, we*

*received conflicting evidence over whether this process would yield a suitable site and if the proposed approach of geological disposal was technically feasible. We are not convinced that the progress to date supports the Government's robust assertion that suitable arrangements will be in place to manage the UK's waste legacy. However, we note too that the Government has no choice but to find a solution, regardless of a decision on nuclear new build. Furthermore, we agree that the waste arising from new nuclear power stations will not pose a significant additional challenge in terms of finding a permanent storage solution. Therefore, as this is an issue of national policy, the political and ethical elements of which have been debated widely over the past five years, we agree that this should not be a consideration for the IPC with regard to individual applications. (Paragraph 71)*

*Nevertheless, we believe the Government must continue to demonstrate progress in delivering a geological disposal facility for radioactive waste. Accordingly, we recommend the Department now sets out key milestones in EN-6 and reports progress against these to Parliament on an annual basis. This should include establishing which body will be responsible for consenting the site. (Paragraph 72)*

### **The Government's response**

- 4.82 The Government recognises the importance of confidence in its commitment to the implementation of geological disposal, and also recognises the concern expressed about the pace of progress in this area. The Government is committed to making the voluntarist and partnership approach to site selection work through the Managing Radioactive Waste Safely (MRWS) process. To deliver geological disposal it is necessary to have effective programme management, leadership from Government, clear responsibilities and accountabilities and a timeline and milestones against which progress can be measured. However, this must be reconciled with an approach based on voluntarism. The programme, particularly the early stages, relies on progress made in partnership with local communities and has to move forward at a pace consistent with maintaining public confidence.
- 4.83 In light of comments received during the consultation on the draft NPS the Government has reviewed arrangements for the delivery of geological disposal. It is establishing a reconfigured Geological Disposal Implementation Board to be a high profile oversight group, chaired by DECC Ministers and involving key stakeholders. An executive steering group has also been established, chaired by the Chief Executive of the Office for Nuclear Development, to provide leadership and oversight of geological disposal and hold the Nuclear Decommissioning Authority (NDA) to account as the implementation body responsible for delivery.
- 4.84 Also to improve visibility of progress on the MRWS programme, the Government is developing a high-level timeline. This describes the key steps achieved since the programme was launched as well as setting out indicative timescales and milestones in the programme of work leading to the possible first consignment of waste to a facility in 2040. This will be based on assumptions developed by the NDA and will initially be indicative given that

the approach to siting is based on voluntarism and partnership with local communities and a preferred site has yet to be identified.

- 4.85 The Government has also committed to produce an annual report that will be published, with copies made specifically available to Parliament and the Committee on Radioactive Waste Management (CoRWM), as well as to other key stakeholders. The report will include progress towards meeting the commitments given by Government as a result of CoRWM's recommendations as well as indications of progress towards milestones.
- 4.86 The Government has updated Annex B of EN-6 to reflect these commitments.
- 4.87 Given that this is necessarily a long term programme and planning decisions will not be required for a number of years, the Government has not yet taken a final decision on whether a geological disposal facility will fall to be examined under the Planning Act as a major infrastructure project, but at this stage considers this to be likely.

### Recommendation 20:

*We believe it is not the role of the IPC to concern itself with the regulatory processes relating to new nuclear build that may be conducted in parallel to its own decision-making on planning consents, and which might otherwise lead to confusion and a duplication of efforts. However, the Commission should at least have cognisance of the wider regulatory framework as it is likely that it will receive submissions on issues outside of its remit when considering applications. We would therefore expect regular and open communication between the IPC, the Environment Agency, the Health and Safety Executive and other relevant bodies on these matters. (Paragraph 74)*

### The Government's response

- 4.88 The Government agrees with this recommendation. It is not the role of the IPC to concern itself with nuclear regulatory processes, but regular communication between the IPC and all nuclear regulators (the Environment Agency, the Nuclear Installations Inspectorate, the Office for Civil Nuclear Security and the Department for Transport) will be essential when determining applications for development consent. The IPC may also need to liaise with a range of other bodies such as Natural England, the Countryside Council for Wales, Drainage Boards, and water and sewerage undertakers to ensure that full account is taken of environmental impacts.
- 4.89 We have revised sections 4.10 of EN-1 and 2.7 of EN-6 in light of this recommendation to provide further clarity to the text. We are content that the revised NPSs provide suitable guidance to the IPC in respect of the role of regulators and the interaction between the regulatory and planning regimes.

### Recommendation 21:

*We note the reasons for the Government's exclusion of Dungeness from the draft nuclear NPS and the arguments against this decision put by the industry and the*

*local community. We recommend the Department maintains an open mind throughout the current consultation, that it considers carefully the evidence submitted to the Committee by Shepway District Council and any other evidence submitted during the consultation and, if necessary, reconsiders its position. (Paragraph 78)*

### **The Government's response**

- 4.90 This issue was also raised in the Grand Committee debates on the overarching energy NPS and the nuclear NPS.
- 4.91 The Government has considered carefully the evidence submitted during the public consultation. It has considered the outcome of parliamentary scrutiny, the response and further environmental studies submitted by the nominator, the response from Shepway District Council and Kent County Council and responses from other interested parties.
- 4.92 Having considered all the evidence, the Government confirms it is not satisfied that Dungeness is a site which is potentially suitable for the deployment of a new nuclear power station by the end of 2025. The reasons for the decision to exclude Dungeness as one of the potential sites suitable for the deployment of a new nuclear power station are set out in the Government's response to consultation.

### **Recommendation 22:**

*We understand the necessity for making the nuclear NPS site-specific as to do otherwise would be less than open in a situation where there are so few alternatives. We are concerned, however, that the inclusion of 10 sites, coupled with the statements that all are needed and the Government can find no alternatives that would better respect the integrity of designated European sites, may place undue pressure on the IPC to permit developments on those sites. We are reassured by the IPC's statement that if local impacts did outweigh national benefits on these sites then it would refuse the application. However, we feel that the independence of the IPC could be more clearly expressed in the NPS in terms of its ability to refuse consent for any of the 10 nuclear sites. The Department should also clarify whether its opinion on Imperative Reasons of Overriding Public Interest (IROPI) refers to the nuclear NPS as a whole or to the selection of individual sites. (Paragraph 83)*

### **The Government's response**

- 4.93 We have revised EN-6 in light of this recommendation.
- 4.94 The sites listed in the NPS have been assessed by Government as being potentially suitable for the deployment of new nuclear power stations by the end of 2025. As set out in EN-1 and provided for by section 104 of the Planning Act, the IPC may refuse development if the adverse impacts of the proposal (taking into account measures proposed to avoid, reduce or compensate for those adverse impacts) are considered by the IPC to outweigh the benefits of the new infrastructure. Section 104 of the Act and

paragraph 1.1.2 of EN-1 also set out other circumstances in which the IPC can refuse consent.

- 4.95 The Nuclear NPS is a “plan” for the purposes of the Habitats Directive and the Government’s Imperative Reasons of Overriding Public Interest relate to the Nuclear NPS including the list of potentially suitable sites at this “plan” level. At the project level, the IPC will need to comply with the requirements of the Habitats Directive. Should a case for IROPI be required at project level, the IPC will need to consider the arguments for such a case. In reaching its decision we would expect the IPC to have regard to the IROPI for the Nuclear NPS. We have revised EN-6 to clarify this in light of the recommendation.

### Recommendation 23:

*Whilst we accept EN-1 to 5 should not be as specific on the location of energy infrastructure developments as the nuclear NPS, we believe there are ways in which the non-nuclear NPSs could take greater account of spatial issues. Possible examples include: those areas of the transmission network requiring reinforcement to meet the UK’s renewable energy targets; the Welsh Assembly Government’s strategic search areas; the DCLG/DECC work on regional capacities for renewable generation; and areas with suitable geology for gas storage. Such an approach would not constrain the choice of sites for developers but would provide valuable guidance and an incentive to bring applications forward in the most appropriate locations. Nor would it constrain the decision-making of the IPC, which should treat all applications on their merits. It could also facilitate greater public engagement in the NPS process. (Paragraph 90)*

### The Government’s response

- 4.96 Taking a greater consideration of spatial planning was also raised in the House of Lords Grand Committee debates on the overarching energy NPS and the non-nuclear technology NPSs.
- 4.97 There are a number of reasons why the Government believes that developers are best placed to decide where energy infrastructure should be based and therefore that EN-1 to EN-5 should not specify specific geographical locations where energy infrastructure should be located:
- areas could suffer from planning blight as unless the specific energy capacity required was specified, the area set aside would be too large and would deter investment in other infrastructure (e.g. housing);
  - spatial locations cannot take into account all combinations of possible energy use; and
  - there could be environmental damage if there is a large concentration of infrastructure in a single area.
  - There are identifiable geographical criteria that most energy infrastructure requires in order to operate effectively, such as wind farms

to be located where wind speeds are sufficient and reliable enough for electricity generation; thermal generating stations sited where there is an adequate water resource for steam and cooling purposes; gas storage sites located where the geological conditions are suitable. Where there are specific locational criteria that need to be taken into account, this is clearly set out in the relevant NPSs.

### **Recommendation 24:**

*We believe the Government has not fully explored the potential for some form of English national spatial strategy. Such a document could provide the means of drawing together the many spatial aspects and implications of not only the energy NPSs, but all the NPSs. It could also provide the means of relating policies in the NPSs more clearly to the range of existing national spatial policies and environmental designations. However, we do not believe such a strategy should be a pre-requisite of designation of the energy NPSs. (Paragraph 92)*

### **The Government's response**

4.98 The Government is considering how best to take forward its plans for a simple and consolidated national planning framework covering all forms of development. However, it is pressing ahead with the NPSs.

### **Recommendations 25 and 26:**

*We are concerned that the current status of the NPSs within the wider planning system is, at best, ambiguous. Whilst the NPSs' role in relation to the IPC is embodied in statute, their important role in relation to Local Planning Authorities (LPAs) and other bodies has not been addressed with sufficient thoroughness. For example, it is not clear what weight LPAs should give to NPSs in their decision making. Nor is it clear what happens in cases of conflict between an NPS and other Government statements of planning policy. This ambiguity risks creating perverse incentives for developers within the planning regime. (Paragraph 101).*

*We note the Chief Planner has attempted to provide some clarity on the role of the NPSs within the planning system. However, this intervention has raised more questions than it has answers. We recommend the DCLG should first consult on, and then issue, definitive guidance on the role that all NPSs will play in the preparation of plans at the regional and local levels and in informing and guiding decision-makers other than the IPC in considering applications for relevant infrastructure projects. This guidance should clarify whether there is a hierarchy of planning documents, for example in relation to NPSs and Planning Policy Statements, and how decision-makers are to deal with conflicts between different policy statements when they arise. We do not believe the Government should designate the energy NPSs until this guidance is in place. (Paragraph 102)*

## The Government's response

- 4.99 The issue of clarifying the role of NPSs in the wider planning system was also raised in the House of Lords Grand Committee debates on the overarching energy NPS and the non-nuclear technology NPSs.
- 4.100 NPSs are aimed primarily at providing a framework for the IPC to take decisions on major infrastructure projects. Decisions by the IPC (and in future, as the Government proposes, the Secretary of State) have to be taken in accordance with NPSs – it is therefore clear that NPSs take precedence for decisions on major infrastructure projects.
- 4.101 However, a close interaction is envisaged between NPSs and the Town and Country Planning regime. Under existing Town and Country Planning Act (TCPA) legislation, decisions on local development applications must be taken in accordance with the Development Plan unless material considerations indicate otherwise. There is a statutory requirement for local planning authorities to have regard to national policies and guidance when preparing development plans<sup>14</sup>.
- 4.102 The basis of the advice in the Chief Planner's letter<sup>15</sup> was that local planning authorities should treat the national policy statements in the same way as other statements of Government policy. Where local planning authorities take decisions on applications for smaller-scale infrastructure they will continue to have to make their decisions in accordance with the development plan unless there are material considerations which indicate otherwise. Government policy (including policy issued in draft for consultation) may, where relevant, be such a material consideration. However, the degree to which Government policy, including the policy in the NPS, or draft NPS, is relevant to any particular planning application and the weight to be attached to it, is a matter for the decision maker according to the circumstances of the particular case. It is not for Government to prescribe.
- 4.103 This is a principle with which local and regional planning authorities are already familiar.
- 4.104 Therefore once an NPS is established it should be reflected as appropriate in relevant development plans. In cases where development plans have not yet been updated to take account of a particular NPS, any relevant new policy in the NPS should be taken into account by the local planning authority as a material consideration in decisions on development applications. For example EN-3 would be likely to be a material consideration for small scale projects under 50 MW (which are decided by local authorities), but that does not mean that it will be so in every such case, or that, if it is a material consideration, a local planning authority could not make a rational planning judgment not to follow it in particular circumstances.

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<sup>14</sup> See section 19(2)(a) of the Planning and Compulsory Purchase Act 2004.

<sup>15</sup> The Letter to Chief Planning Officers on National Policy Statements is available at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1376507.pdf>

- 4.105 The policies set out in the NPSs are, for the most part, intended to reflect and clarify existing policy and practice of the Secretary of State in consenting major energy infrastructure projects. This includes relevant planning policy. In revising the draft energy NPSs we have sought to address any apparent inconsistencies of wording.
- 4.106 The Government is, in parallel, considering how best to take forward its plans for a simple and consolidated national planning framework covering all forms of development.
- 4.107 We therefore do not believe any additional guidance to be either necessary or helpful, particularly in the light of the Government's broader commitment to decentralisation.

### Recommendation 27:

*We support the flexibility within the overarching NPS for applicants to decide whether to include associated development within an application to the IPC for consent for the main NSIP development or to apply for consent for it via other routes. However, we are concerned that there are potential risks of delay where associated infrastructure falls under a different planning regime. This opportunity for delay strengthens the case we have already made for a clearer statement of the relationship between an NPS and the rest of the planning system. (Paragraph 106)*

### The Government's response

- 4.108 The Planning Act makes provision for a development consent order for a major infrastructure project to include associated development. The Government has issued guidance<sup>16</sup> on what may be considered associated development and the IPC must have regard to this in its decision making.
- 4.109 The guidance includes examples such as access arrangements and connections to national networks. The intention is that all associated development as defined in the guidance can be part of the single application to the IPC. While the applicant can choose what to include within the application, it would generally be in the applicant's interest to include all associated development within the one application to the IPC and avoid the need to apply for some development through another regime.

### Recommendation 28:

*The energy NPSs will play a key role in determining our future energy mix. It is clear that the Government's consultation has not gone far enough in engaging the public. It is unfortunate too that the publication of the draft NPSs has come so late in the current Parliament, thus constraining the time available for consultation and parliamentary scrutiny. We recommend the Government learns from this experience and for future NPSs considers more innovative ways, particularly with regard to*

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<sup>16</sup> Guidance on Associated Development: Applications to the Infrastructure Planning Commission is available at:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/guidanceassocdevelopment.pdf>

*greenfield sites, in which it can engage the public in these important documents. We were particularly concerned that the late inclusion of greenfield sites into the consideration process leading towards the site-specific NPS effectively prevented either a clear comparison between possible greenfield sites or effective consultation on those sites proposed. The Government should also ensure it provides adequate time for Parliament to complete its scrutiny, preferably after its own consultation. The Government also needs to review the resources available for local authorities to undertake their role in the planning process. (Paragraph 120)*

### **The Government's response**

- 4.110 The issues of involving the public and ensuring Parliament has sufficient time for scrutiny was also raised in the Grand Committee debate on the overarching energy NPS.
- 4.111 In order to raise awareness of the draft energy NPSs and to encourage the public to respond to the consultation, we ran six national events covering all draft energy NPSs in Peterborough, York, London, Cardiff, Exeter and Manchester (the latter was included upon the recommendation of Parliament). We also held eleven local events close to the sites judged potentially suitable for new nuclear development in EN-6.
- 4.112 We set up a dedicated telephone line and e-mail address so that members of the public could contact members of the consultation team for further advice. The Department also ran an online consultation which was designed to make it as easy as possible to submit responses to the consultation questions.
- 4.113 The Government also worked with Planning Aid, who provided advice on the use of language in the consultation document (so that general members of the public could easily understand the document despite its technical nature) and the format of the national events. Planning Aid also issued their own summary leaflets on each of the draft energy NPSs.
- 4.114 There were over 21,000 "hits" on the draft energy NPS web site and over 3,000 responses to the consultation.
- 4.115 All nominations for potential sites were received by the deadline of 31 March 2009, including Kirksanton and Braystones, the greenfield sites. Those nominations were not late. However, we understand that there were concerns in local communities regarding the level of awareness-raising undertaken by nominators in advance of nomination.
- 4.116 It is worth noting that we have had a high level of engagement on greenfield sites:
- over 1,500 people responded to our call for comments on these sites during the spring of 2009;

- over 1,100 responses were received on these sites during the public consultation on the EN-6 between November 2009 and February 2010; and
- 925 people attended the local consultation events at these sites.

4.117 Following analysis of these responses, the Government has concluded that these sites are not potentially suitable. This has in particular taken account of the assessment of deployability by 2025 and the impact on the Lake District National Park considered against criterion D8 in the Strategic Siting Assessment (areas of amenity, heritage and cultural value).

4.118 The process of consultation and parliamentary scrutiny was agreed during the passage of the Planning Act 2008 and it is a parallel rather than sequential process. The process allows the Select Committee to announce its inquiry at the same time as the public consultation begins, so that in practice it will always have at least four months to complete its work. Committees are able to set their own deadlines for the submission of written evidence.

4.119 The total time allowed in the case of the draft energy NPSs for parliamentary scrutiny was six months (9 November 2009 to 6 May 2010) in line with the commitments made when the process was established. It is for Parliament to determine how it undertakes scrutiny of the revised draft energy NPSs that are published in parallel with this response.

4.120 While we believe that the consultation provided interested parties with adequate opportunities to consider our proposals and provide comments on them, we will of course consider lessons learnt from this consultation for future NPS consultations.

4.121 We recognise the important role that local government has in the development and consideration of proposed major energy projects. However the extent to which local authorities wish to be involved in the planning process has always been (and will continue to be) up to the local authorities. The new regime is a significant improvement, giving local government statutory rights in the process and ensuring its views are an important part of the IPC's consideration. In addition, rather than imposing additional costs, there are potential savings to local government from the new regime, as shorter hearings and quicker decisions should mean that local authorities do not incur the level of costs experienced previously (such as the costs of legal representation).

### **Recommendation 29:**

*The lack of guidance on the conduct of an appraisal of sustainability for an NPS means it is difficult to determine whether the Department has fulfilled its requirements under the Planning Act 2008. We recommend the Government produces such guidance to assist departments in the future production of NPSs. We note the concerns raised by the environmental NGOs over the lack of consideration of policy alternatives within the appraisals for EN-1 to 5, particularly regarding the*

*possibility of energy demand reduction. This contrasts with the approach taken in EN-6, which considers explicitly the “realistic option” of a nuclear NPS that prohibits new build, despite this being counter to Government policy. The Government must ensure consistency of approach across its appraisals of sustainability. It should also make a better assessment of the cumulative environmental impacts of new generating capacity; provide more guidance for the IPC on the expectations on developers to monitor the environmental impacts of their developments; and link more explicitly the appraisals to the NPSs. (Paragraph 125)*

### The Government’s response

- 4.122 The Appraisals of Sustainability (AoSs) incorporated Strategic Environmental Assessments (SEA) following the requirements of the SEA Directive<sup>17</sup>, and in both their original and revised form made use of guidance already available<sup>18</sup>. In addition, the Department for Communities and Local Government, in its coordination role, has provided assistance and guidance to other Government Departments on their AoSs.
- 4.123 We acknowledge the concerns that environmental NGOs raised to the Committee and in the public consultation over the lack of considerations of policy alternatives in the AoSs for EN-1 to EN-5. We have undertaken further work on the AoSs for EN-1 to EN-5, in particular by (i) ensuring that strategic policy alternatives are clearly set out; (ii) improving coverage of the likely impacts of the infrastructure concerned; (iii) improving overall consistency across the AoSs and between AoSs and NPSs; and (iv) making the Non-Technical Summaries more user-friendly so that consultees will be better informed about the background to the NPS policies. We have published the revised draft energy NPSs and AoSs for re-consultation. We look forward to receiving the responses from environmental NGOs and others on these.
- 4.124 We have also expanded the analysis in the AoS to include a more detailed discussion on cumulative effects, the key considerations of which are also set out again in a separate section in response to the particular concerns expressed about the cumulative effects assessment carried out originally. Although identification of likely significant cumulative effects was more difficult for the non-spatial NPSs, those characteristics of the different energy technologies that might give rise to likely significant effects have been identified. Cumulative effects of individual projects will still be assessed through the EIA at the application stage.
- 4.125 A separate monitoring strategy for the energy NPSs has also been developed, which sets out how the overall effects of the NPSs will be monitored.

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<sup>17</sup> SEA Directive 2001/42/EC is available at:

<http://www.environ.ie/en/Publications/Environment/Miscellaneous/FileDownload,1805,en.pdf>

<sup>18</sup> Guidance on the implementation of the SEA Directive is available at:

<http://www.environ.ie/en/Publications/DevelopmentandHousing/Planning/FileDownload,1616,en.pdf>

In addition the Government has produced its own practical guidance is available at:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/practicalguidesea.pdf>

### **Recommendation 30:**

*We do not consider the issue of good design is treated with sufficient rigour in the draft NPSs. We would look for a much stronger message on design that is more in line with the Government's existing stated policies expressed, for example, in Planning Policy Statement 1 and, in this, we are heartened by the Minister's commitment to look again at the current wording in the NPSs. (Paragraph 128)*

#### **The Government's response**

4.126 The Government agrees with this recommendation and we have revised section 4.5 of EN-1 to strengthen the advice on good design in line with Planning Policy Statement 1 as far as possible. However the review of guidance on good design that we could draw on did highlight the fact that there is a lack of specific guidance for such major infrastructure projects to refer to, as the existing guidance is primarily aimed at town planning in an urban setting, although some of the principles are the same. We will be discussing this issue with CLG and other interested organisations to consider whether it is necessary to produce additional and more sector specific design guidance that stands outside the NPS.

# House of Lords Grand Committee debates

- 5.1 During their scrutiny of the draft energy NPSs in the House of Lords Grand Committee and in the chamber, Members of the House of Lords raised a number of issues that were also raised by the House of Commons Energy and Climate Change (ECC) Select Committee in their recommendations.
- 5.2 In our response to the ECC Select Committee recommendations we also note where the issue was raised by Members of the House of Lords and so have not provided a separate response here.
- 5.3 There were several issues that Members of the House of Lords raised in Grand Committee that Lord Jenkin of Roding, Lord Crickhowell and Lord Teverson subsequently tabled as motions in the House of Lords. The Government responds to the important issues raised in these motions below.

## Issues raised by the House of Lords Grand Committee and the ECC committee

- 5.4 The issues raised in the House of Lords Grand Committee and by the House of Commons ECC committee are set out below, together with where the Government's response can be found in this response document:
- that NPSs need to emphasise the Committee on Climate Change's statement that all new generation will need to be decarbonised by 2030 (raised by Lord Chorley; see response to ECC recommendation 4);
  - that each application should state how it will contribute to reducing the UK's carbon emissions and that the IPC should assess each project's carbon footprint (raised by the Bishop of Liverpool and Lord Reay; see response to ECC recommendations 8 and 9);
  - the energy NPSs should set out a hierarchy of preferred energy technologies (raised by Baroness Young of Old Scone; see response to ECC recommendation 10);
  - more importance needs to be given to local impacts, especially in designated areas, and to local impact reports (raised by Lord Chorley, Lord Judd, Lord Reay, Baroness Young of Old Scone and Baroness Wilcox; see response to ECC recommendation 11);
  - that the department carefully consider the economic feasibility of CCS (raised by Lord Jenkin of Roding and Lord Woolmer; see response to ECC recommendation 12);
  - that CO<sub>2</sub> pipeline infrastructure should be included in EN-4 (raised by Lord Teverson and Baroness Wilcox; see response to ECC recommendation 13);

- the NPS should require the IPC to take into consideration the sustainability of biomass fuels (raised by Baroness Young of Old Scone; see response to ECC recommendation 14);
- that marine renewable technology is not included in EN-3 (raised by Lord Dixon-Smith and Baroness Young of Old Scone; see response to ECC recommendation 15);
- energy planning should be part of spatial planning; NPSs should not override other planning guidance documents (raised by Lord Chorley, Lord Judd, Lord Reay and Baroness Young of Old Scone; see response to ECC recommendations 23, 25 and 26);
- that Parliament should have sufficient time to scrutinise the draft energy NPSs (raised by Lord Jenkin of Roding and Lord Dixon-Smith; see response to ECC recommendation 28).

## Other key issues raised by the House of Lords

5.5 There were a number of other key issues raised by the House of Lords during their scrutiny of the draft energy NPSs. These are set out below, together with the Government response.

### Key Issue 1:

*In future, a Joint Committee of both Houses should scrutinise draft NPSs* (raised by Lord Jenkin of Roding and Lord Chorley)

#### The Government's response

5.6 DECC presented its suite of draft energy NPSs to Parliament for scrutiny on 9 November 2009. Parliament decided that scrutiny of the draft energy NPSs would be undertaken by the ECC Select Committee in the House of Commons and the Grand Committee in the House of Lords. It is for Parliament to decide whether future scrutiny of draft NPSs should be scrutinised by a Joint Committee of both Houses.

### Key Issue 2:

*The energy NPSs are too market orientated* (raised by the Bishop of Liverpool, Lord Judd and Baroness Young of Old Scone)

#### The Government's response

5.7 Government believes that the UK's liberalised, competitive electricity market will bring forward the most cost effective route to low carbon infrastructure. The Government sets the framework, and broad objectives (such as decarbonisation, secure supplies and fairness) but it is up to the private sector to decide what to build within that framework.

5.8 The Government understands that the scale and pace of the decarbonisation challenge will test the UK's market during the transition to a low carbon economy. Accordingly, the Government is currently conducting a detailed

appraisal of the way the electricity market should be designed. The Electricity Market Reform project will assess the role that a carbon price, emissions performance standard, revised renewables obligation, Feed-in Tariffs, capacity mechanisms and other interventions could play in delivering a system that supports the delivery of a secure, low carbon, affordable electricity mix for the 2020's and beyond. It is vital that industry, Ofgem and others are fully involved in this process.

- 5.9 The Electricity Market Reform project will issue a consultation document this Autumn and a White Paper in Spring 2011. Additionally, in view of the policy of issuing an Annual Energy Statement and of the requirements in the Planning Act as regards keeping NPSs under review, the Secretary of State will be watching both the flow of applications for consent into the IPC and the outcome of those cases to determine whether they are in line with the expectations about future infrastructure development on which the NPS policies were based.

### Key Issue 3:

*Consideration needs to be given to the security of nuclear power stations on coastal sites (raised by the Bishop of Liverpool)*

### The Government's response

- 5.10 With regard to concerns around climate change and flood risk, the Government has been advised by the Environment Agency and the Nuclear Installations Inspectorate. This advice was based on a consideration of the capacity of nominated sites to withstand flood risk and coastal erosion, including the potential effects of climate change using modelling data that looks ahead to 2100. Predictions of potential climate change effects become increasingly less certain the further into the future that they extend. However, climate change projections will continue to be refined and, as time passes, will project further into the future. As such, should greater future impact be predicted, this should be identified well in advance giving time for appropriate actions to be taken to address those impacts.
- 5.11 As discussed above, the duration of onsite interim storage of spent fuel cannot be certain at this point. The regulators have examined the adaptability of the sites to potential changes in flood hazard and are satisfied that additional safeguards are in place to ensure that only suitable sites achieve development and ongoing operational consent. This will also be reviewed in more detail as part of the planning and licensing stage and as part of the Flood Risk Assessment that applicants must undertake in conjunction with their applications to the IPC.
- 5.12 Should sites achieve development consent, their capacity to withstand potential climate change will remain under consideration throughout the life of the nuclear power station. Once licensed, as part of the site licensing conditions, the licensee must review their safety case at regular intervals (typically on a ten yearly basis). This review will take the most recent climate

change projections into account and allow the necessary modifications to flood defences and/or operating arrangements to be undertaken. The objective of the review is to compare the safety case of the site against modern standards to see if there are reasonably practicable improvements that could be made to ensure that the plant is safe to continue to operate, including spent fuel and radioactive waste storage for the next defined period.

#### Key Issue 4:

*The carbon price is some €12, whereas, if nuclear power is to make its way in any sense commercially, it probably needs to be around €50 (raised by Lord Teverson)*

#### The Government's response

5.13 The Government is taking a series of facilitative actions to remove any unnecessary barriers to new nuclear investment, but is clear that there will be no public subsidy for new nuclear power. The Government has also committed to introducing a floor price for carbon and undertaking wider reform of the electricity market. These measures are key to ensuring that the right long-term signals are in place for investors in all forms of low-carbon generation.

#### Key Issue 5:

*The average time the Chinese have taken to build their last ten reactors has been 6.3 years. Has the UK assessed how the Chinese have achieved these short construction times and will we be able to match these times when we start constructing our own nuclear power stations (raised by Lord Broers)*

#### The Government's response

5.14 Construction of a new nuclear power station in the UK may take around 5-6 years from first civil works through to commercial operation, and there would likely need to be a period of preliminary works in advance of this. Precise timetables for construction will, however, be set by the developers themselves. As part of their preparation, developers will have studied new build programmes in other countries to establish whether any best practice can be borrowed, although any project in the UK will need to meet the safety, environmental and security standards set by the UK nuclear regulators.

# House of Lords debate 29 March 2010

- 6.1 The draft energy NPSs were debated in the chamber of the House of Lords on 29 March 2010.
- 6.2 The full transcript of this debate, including the issues raised and Government responses, can be found in Hansard<sup>19</sup>.
- 6.3 During this debate five Motions to Resolve were moved by Lord Jenkin of Roding, Lord Crickhowell and Lord Teverson. All five motions were withdrawn; but for completeness we have set out the motions and a short Government response below.

## Motion 1:

*Moved by Lord Jenkin of Roding – that this House calls on Her Majesty's Government to amend the "Conclusion on need" section in Part 3.1 of the Draft Overarching National Policy Statement for Energy (EN-1) so that the case for all forms of sustainable and low carbon energy is strengthened from "significant" to "being of critical importance" to delivering the United Kingdom's energy policy goals of secure and affordable energy supplies and mitigating climate change.*

## The Government's response

- 6.4 We have revised the energy need statement to say that there is an urgent need for new energy infrastructure. The Government believes that this adequately takes into account the challenges that we face in a more appropriate way. The right balance must be struck between consenting and building new energy infrastructure and the importance of protecting our environment and the quality of life of those who live in the communities where this important infrastructure is located. The Government's objectives of delivering clean, safe and affordable energy supplies reflect this balance.

## Motion 2:

*Moved by Lord Jenkin of Roding – that this House calls on Her Majesty's Government to amend the Draft Overarching National Policy Statement for Energy (EN-1) to spell out specifically the Government's environmental targets to mitigate climate change.*

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<sup>19</sup> This is available at: <http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100329-0003.htm#1003292000420>

## The Government's response

- 6.5 The Government agrees that it is important that the Overarching Energy NPS (EN-1) clearly states Government's climate change and renewable energy targets. Part 2 of EN-1 sets out the Government's commitment to tackling climate change, including its renewables targets, and the Government has given a great deal of thought to the expression of key policies in the revised draft NPSs.
- 6.6 While the revised draft energy NPSs contain background material on a variety of relevant aspects of energy policy, it is important to remember that the particular policies on the consenting of major energy infrastructure which it is their function to set out are only one of a number of ways by which Government seeks to bring about the construction of secure, safe and affordable low carbon energy infrastructure. Thus, the revised draft NPSs make clear:
- that the key goal of energy policy to which they relate is that of maintaining safe, secure and affordable supplies of energy to GB consumers (individuals or businesses) in the shorter and longer term without jeopardising the target of an 80% reduction in UK green house gas emissions by 2050, set in the Climate Change Act 2008;
  - what kinds of new infrastructure will be needed to achieve this target; and
  - how the NPSs, as a policy framework for assessment of applications for development consent, will facilitate the construction of infrastructure in a way which balances the need for new infrastructure against the need to follow the principles of sustainable development.
- 6.7 In addition, we have, revised EN-1 to ensure that there is a comprehensive system of cross-referencing so that the reader can find fuller information on the Government's environmental targets to mitigate climate change.

## Motion 3:

*Moved by Lord Jenkin of Roding – that this House calls on Her Majesty's Government to amend the Draft National Policy Statement for Nuclear Power Generation (EN-6) to include in Part 5 the Dungeness site as suitable for nuclear development as it is premature at this stage to exclude Dungeness as a potential site for such development.*

## The Government's response

- 6.8 Having carefully considered the evidence submitted during the public consultation, and the statements made during parliamentary scrutiny, the Government confirms that it is not satisfied that Dungeness is a potentially suitable site for the deployment of a new nuclear power station by 2025.

- 6.9 The Government is of the view that a new nuclear power station cannot be built at Dungeness without causing an adverse effect on the integrity of the Dungeness Special Area of Conservation (SAC) (i.e. that any impacts could not be avoided or mitigated). There are alternative sites to Dungeness where development would better respect the integrity of European protected sites and the Government does not consider that there are Imperative Reasons of Over-riding Public Interest for including Dungeness in the revised draft of EN-6.
- 6.10 In reaching its decision on the potential suitability of Dungeness, the Government has:
- assessed the site against the Strategic Siting Assessment criteria (which were consulted upon publicly);
  - undertaken an Appraisal of Sustainability on the nominated site, incorporating the requirements of the Strategic Environmental Assessment;
  - undertaken a Habitats Regulations Assessment including Appropriate Assessment on the nominated site;
  - taken advice from specialists such as the regulators;
  - taken advice from Natural England who are the Government's statutory adviser on biodiversity, a statutory consultee for the purposes of National Policy Statements and a statutory consultee for the purposes of Appropriate Assessment under the Habitats Regulations;
  - taken into account comments from the public during the opportunity for public comments on the nomination and considered the responses received during the public consultation;
  - held discussions with the nominator and considered further information provided by them;
  - considered the report of the Energy and Climate Change Committee; and
  - considered statements made during parliamentary scrutiny.

#### **Motion 4:**

*Moved by Lord Crickhowell – that this House calls on Her Majesty's Government to amend the Draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) to spell out the specific duties required of a statutory harbour authority to carry out a quantitative risk assessment and to make public the conclusions of that assessment and the safety measures that will be required throughout the life cycle of the facility before consent is granted for a liquefied natural gas terminal in any port or harbour for which the authority is responsible.*

### The Government's response

- 6.11 The Government does not agree that duties required of a statutory harbour authority should form part of the NPS. However, EN-4 has been amended at the end of Section 2.4 to clarify that the Maritime and Coastguard Agency (MCA) and the Port Authority have responsibilities for developments around the coast and that the IPC will need to be satisfied that they have no concerns about the proposal, before considering whether to grant development consent.
- 6.12 The Government is committed to openness and transparency, and it follows that planning decisions should be taken within a clear policy framework and time limit, in order to make these decisions as predictable as possible. In the context of a planning application for a consent, where a holistic risk assessment is needed, then the Government supports the presumption that information, which includes detailed risk assessments, should be disclosed unless there are very good reasons to withhold it. Disclosure of environmental information is already a requirement under existing legislation.

### Motion 5:

*Moved by Lord Teverson – that this House calls on Her Majesty's Government to amend section 2.3 of the Draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2) to include a provision that the approval of any fossil fuel power station by the Infrastructure Planning Commission will be conditional upon it meeting emission performance standards for carbon dioxide laid down by the Secretary of State.*

### The Government's response

- 6.13 The Government committed, in the coalition agreement, to the establishment of an emissions performance standard (EPS) that will prevent coal-fired power stations being built unless they are equipped with sufficient carbon capture and storage (CCS) to meet the EPS.
- 6.14 The consultation in Autumn 2010 on Electricity Market Reform will consider the introduction of an EPS alongside wider reform of the electricity market. This will be followed by a White Paper in Spring 2011. With significant challenges ahead for the energy sector and a need for substantial new investment, this will review all aspects of the electricity market. It will assess the role that a carbon price, emissions performance standard, revised renewables obligation, Feed-in Tariffs, capacity mechanisms and other interventions could play in delivering a system that supports the delivery of a secure, affordable low carbon energy.
- 6.15 In addition, we must now take account of the Committee on Climate Change's recommendation that we should also look at the role of gas within our policies relating to reducing carbon emissions.

- 6.16 An EPS may interact with many of the other policy instruments being considered, and therefore should be looked at alongside these. It will be critical that all action taken over the next decade and beyond is closely aligned, and that the impacts that an EPS may have on the market alongside other mechanisms are properly understood. It is right that we take the time to analyse this carefully, so we develop a policy that will both drive down carbon emissions effectively and stimulate vitally needed investment in our energy infrastructure.
- 6.17 We are clear that without CCS it would be impossible for new coal power stations to meet such a standard. Both now and in the future, the Government will not consent any coal-fired power stations that do not have CCS equipped to a proportion of their capacity, with a view to retrofitting to full capacity once the technology becomes economically and technologically proven.

# Annex: How have the revised documents changed?

7.1. This section summarises the key changes to the revised documents but does not seek to discuss them in detail. It does not aim to capture every change, but is designed to help respondents focus on those elements that are materially different in substance from the last consultation. Other changes have been made to the drafting of various parts of the documents; however, the Government’s aim in making these has been to clarify the expression of, background to and reasons for policies set out in the draft NPSs previously published, rather than to change them to any material extent. Please see the Government Response to Consultation<sup>20</sup> for a discussion of the key themes raised, the Government’s response and the resulting key changes to the NPSs.

## Revised draft Overarching National Policy Statement for Energy (EN-1)

7.2. The revised draft EN-1 NPS sets out the Government’s energy policy, explains the need for new energy infrastructure, sets out policies which are relevant to more than one type of energy infrastructure and instructs the IPC on how to assess the impacts which are common to more than one type of energy infrastructure. The other draft Energy NPSs contain supplementary information for specific types of infrastructure. These draft ‘technology-specific’ Energy NPSs (EN 2-6) must be read in conjunction with the draft EN-1.

What are the key changes?	Where is the change?
<p><b>Clarity and repetition</b>                      Repetition of the content of EN-1 within each of the other NPSs has been removed because EN-1 applies to all the technology areas.</p>	<p>Whilst this has not significantly changed EN-1, it has clarified and simplified the technology specific NPSs</p>
<p><b>Need</b>                      This section sets out the need for new energy infrastructure and has been updated to take account of the latest modelling and Pathways to 2050 analysis<sup>21</sup>.</p>	<p>Section 3.7 pages 6-8;                      Section 3.9 page 13</p>

<sup>20</sup> This is available at: <http://www.energynpsconsultation.decc.gov.uk>

<sup>21</sup> This is available at: [http://www.decc.gov.uk/en/content/cms/what\\_we\\_do/lc\\_uk/2050/2050.aspx](http://www.decc.gov.uk/en/content/cms/what_we_do/lc_uk/2050/2050.aspx)

<p><b>Carbon Capture and Storage (CCS)</b>                  This section has been revised. It requires CCS to be demonstrated on at least 300MW new of the proposed generating capacity. The purpose of the CCS requirement in the NPS to is specify a minimum requirement for the purposes of consent and to ensure that no consent is given to proposals to build coal-fired power stations which do not include commercial-scale demonstration of CCS. The Government has said it will establish an emissions performance standard (EPS) that will prevent coal-fired power stations being built unless they are equipped with sufficient CCS to meet the EPS. An Autumn consultation will consider further the introduction of an EPS alongside wider reform of the electricity market.</p>	<p>Section 3.6.5 to 3.6.7 page 25                  Part 4.7, pages 42-44</p>
<p><b>Air emissions</b>                  This section has been revised to include details on exhaust stacks, moved from EN-2 and EN-3.</p>	<p>Section 5.2.3, page 54</p>
<p><b>Historic environment</b>                  This section has been updated to reflect the revised Planning Policy Statement PPS5<sup>22</sup>.</p>	<p>Section 5.8, page 80</p>
<p><b>Landscape and visual impact</b>                  This section includes guidance on how the IPC should consider cooling towers, which has been moved from EN-2 and EN-3.</p>	<p>Section 5.9, page 84</p>

<sup>22</sup> <http://www.communities.gov.uk/publications/planningandbuilding/pps5>

## Revised draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)

7.3. This NPS, taken together with EN-1, provides the primary basis for decisions by IPC on applications it receives for fossil fuel generating stations with over 50 MW (megawatts) generating capacity.

What are the key changes?	Where is the change?
<p><b>Clarification</b> Where this NPS repeated EN-1, repetition has been removed. This NPS should be read in conjunction with EN-1. The “need case” for new fossil fuel electricity generating infrastructure is now in EN-1.</p>	<p>Throughout</p>
<p><b>Transport infrastructure</b> This section has been revised to clarify that transport for fuel and residues is multi-modal but there is a preference for water-borne transport where available. It also clarifies that sites should be located near existing transport infrastructure where possible. The text has been further edited to be consistent with EN-1 and EN-3.</p>	<p>Paragraph 2.2.4, page 6</p>
<p><b>Carbon Capture and Storage</b> This section has been edited to remove duplicate policy text from EN-1 and for consistency with EN-1.</p>	<p>Paragraph 2.3.6, page 9</p>
<p><b>Landscape and visual impact</b> Impacts on landscape from cooling towers is now in EN-1. The description of cooling towers has been deleted and a reference made to EN-1.</p>	<p>Paragraph 2.6.1, page 11</p>

## Revised draft National Policy Statement for Renewable Energy Infrastructure (EN-3)

7.4. This NPS, taken together with EN-1, provides the primary basis for decisions by IPC on applications it receives for renewable energy infrastructure. This covers any energy infrastructure for biomass and/or waste generating above 50 MW, any offshore wind farm generating above 100MW, and any onshore wind farm generating more than 50MW. This NPS does not cover other types of renewable energy generation, such as schemes that generate electricity from tidal or wave power.

What are the key changes?	Where is the change?
<p><b>Clarification</b> Where this NPS repeated EN-1, that repetition has been removed. This NPS should be read in conjunction with EN-1.</p> <p>The “need case” for new renewable electricity infrastructure is now in the revised draft EN-1.</p>	Throughout
<p><b>Biomass sustainability</b> The text has been revised to take account of the latest position on Renewables Obligation Certificates (ROCs), but may need to be further revised if the proposed policy on ROCs referred to there, as having been subject to consultation, is not adopted.</p>	Section 2.5
<p><b>Green belts for Offshore Wind</b> New text has been substituted for the original (generic) text to explain the circumstances in which Green Belt provisions might be applicable when considering offshore applications.</p>	Section 2.6
<p><b>Noise and Vibration Impacts for Biomass / Waste</b> New section included to reflect AoS findings.</p>	Section 2.5

## Revised draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)

- 7.5. This NPS, taken together with EN-1, provides the primary basis for decisions by the IPC on applications it receives for gas supply infrastructure and gas and oil pipelines, and including infrastructure that is being assessed as associated development with another Nationally Significant Infrastructure Project.

What are the key changes?	Where is the change?
<p><b>Clarification</b> Where this NPS repeated EN-1, that repetition has been removed. This NPS should be read in conjunction with EN-1. The “need case” for new gas supply infrastructure and gas and oil pipelines is now in the revised draft EN-1.</p>	Throughout
<p><b>CO<sub>2</sub> pipelines</b> The NPS has been amended to clarify that the NPS is only intended to cover pipelines carrying natural gas or oil rather than covering CO<sub>2</sub> pipelines as well.</p>	Section 1.7
<p><b>Hazardous substances</b> The NPS has changed to include suitable references to explain which regulatory controls apply to ensure the safety of shipping of LNG (liquefied natural gas).</p>	Section 2.4
<p><b>Geological assessment for salt cavern storage</b> More information has been included about what this assessment should contain.</p>	Section 2.6
<p><b>Assessment and technology-specific information</b> Relevant additional advice has been included to applicants about what to include in their applications. Various revisions have also been made to the guidance on impacts, for example the specification of assessing the noise impact of a pipeline within a 300m corridor has been changed. There is a new section relating to the impact on gas emissions due to the flaring or venting of gas.</p>	Part 2

## Revised draft National Policy Statement for Electricity Networks Infrastructure (EN-5)

- 7.6. This NPS, taken together with EN-1, provides the primary basis for decisions by IPC on applications it receives for electricity networks infrastructure, covering above ground electricity lines of 132 kilovolts (kV) and above, and other infrastructure for electricity networks that is associated with a Nationally Significant Infrastructure Project, such as substations and converter stations.

What are the key changes?	Where is the change?
<p><b>Clarification</b> Where this NPS repeated EN-1, that repetition has been removed. This NPS should be read in conjunction with EN-1. The “need case” for new electricity networks infrastructure is now in the revised draft EN-1.</p>	Throughout
<p><b>Biodiversity - Bird strike</b> Amended to reflect AoS findings.</p>	Section 2.7
<p><b>Undergrounding</b> Clarification of policy in this area.</p>	Section 2.8

## Revised draft National Policy Statement for Nuclear Power Generation (EN-6)

- 7.7. This NPS, taken together with EN-1, provides the primary basis for decisions by IPC on applications it receives for nuclear generating stations with over 50MW generating capacity.
- 7.8. This NPS lists the sites that the Government has judged to be potentially suitable for the deployment of new nuclear power stations by the end of 2025 and the reasons why those sites are considered potentially suitable.
- 7.9. This NPS also sets out the Government’s conclusion that it is satisfied that effective arrangements will exist to manage and dispose of the waste that will be produced by new nuclear power stations in the UK; and that there are Imperative Reasons of Overriding Interest (IROPI) for why it should proceed despite it not being possible at this stage to rule out any adverse effects on European Sites.
- 7.10. The revised draft Nuclear NPS looks different because as a result of the consultation the NPS has been streamlined to clarify the policy that the IPC should consider when determining an application for new nuclear development and reduce repetition of material from EN-1.

What are the key changes?	Where is the change?
<p><b>Clarity and repetition</b>                      Repetition of the content of EN-1 has been removed. The revised draft Nuclear NPS should be read in conjunction with EN-1.</p>	<p>Throughout, including:                      moving the need for nuclear text (which formed Part 2 of the draft of EN-6) to EN-1;                      and streamlining some of the assessment principles in Part 2 of the revised draft (for example climate change adaptation (2.10) and good design (2.8)).</p>
<p><b>The management and disposal of radioactive waste</b>                      There are three points on which the Government has concluded that the wording in the draft Nuclear NPS should be revised. These changes are intended to:</p> <ul style="list-style-type: none"> <li>• demonstrate the Government’s confidence that geological disposal will be implemented;</li> <li>• clarify the Government’s expectations in relation to the likely duration of the onsite</li> </ul>	<p>Section 2.11 and Annex B</p>

<p>storage of higher activity waste; and</p> <ul style="list-style-type: none"> <li>clarify the role of the IPC in relation to arrangements for the management and disposal of wastes from new nuclear power stations.</li> </ul>	
<p><b>Applications for nuclear development on a site not listed in the NPS</b> Revised to more clearly set out how such an application would be handled should it come forward.</p>	Section 2.3
<p><b>The need for all of the listed sites</b> Clarification that the need for the sites refers to the need for the sites to be listed in the NPS, rather than necessarily that a nuclear power station is needed at all of the sites. Given the limited number of potentially suitable sites, all eight are needed on the list to allow sufficient flexibility for developers to be able to meet the need for new nuclear power whilst recognising that the IPC may refuse consent at any of the sites once it has considered the detailed applications in accordance with the NPS.</p>	Paragraph 2.4.4
<p><b>The consideration of alternatives</b> This text has been revised and condensed.</p>	Sections 2.3 to 2.6
<p><b>Regulatory Justification</b> New text to explain the interaction with Regulatory Justification.</p>	Section 2.6
<p><b>Relationship between the planning regime and the regulators</b> The text scoping the role of the IPC and that of the regulators has been revised and condensed. The draft NPS included a table which has now been removed. Detailed text on Nuclear Impacts or Flags for Local Consideration are only included in the revised draft where these are issues for the IPC to consider (rather than the regulators).</p>	Section 2.7 and Part 3
<p><b>Siting considerations</b> General siting policy has been moved from the site assessments to Part 3 so that all of the general impacts and considerations are in one place. Specific siting considerations are set out in the site assessments (see below).</p>	Sections 3.2 to 3.4

<p><b>List of potentially suitable sites</b> Part 4 of the revised draft lists the sites determined by the Government as being potentially suitable for the deployment of new nuclear power stations before the end of 2025. The revised draft lists a total of eight sites.</p> <p>Site assessments have been updated since the consultation for the sites listed within the NPS and are now set out in Annex C of the revised draft NPS. Details regarding Braystones, Kirksanton and Dungeness (which are not on the list in the Revised Draft) are set out within the Government Response. Please see below for details on the changes to individual site assessments.</p>	<p>Part 4</p> <p>Annex C</p>
<p><b>IROPI</b> Annex A has been revised in light of the changes to the “need case” for new infrastructure in EN-1.</p>	<p>Annex A</p>

### Sites that are not suitable for a new nuclear power station

Three nominated sites are not considered potentially suitable for a new nuclear power station (Braystones and Kirksanton in Cumbria and Dungeness in Kent).

In addition, the Government considers that the three sites identified by the Alternative Sites Study<sup>23</sup> are not worthy of further consideration. Because these sites are not suitable they do not have site assessments within the Revised draft Nuclear National Policy Statement. If you are interested in commenting on these sites, the below table directs you to the relevant documents. All are available at [www.energynpsconsultation.decc.gov.uk](http://www.energynpsconsultation.decc.gov.uk) on the relevant site page.

Site	Relevant material for respondents
<p><b>Braystones, Cumbria</b></p>	<p>Original site assessment in draft EN-6<sup>24</sup>, pp.82-106 Government response to consultation on the draft Energy NPS<sup>25</sup>, pp.159-170</p>
<p><b>Kirksanton, Cumbria</b></p>	<p>Original site assessment in draft EN-6, pp.167-190 Government response to consultation on the draft Energy NPS, pp.193-216</p>

<sup>23</sup> The Government considers that the nominations-driven Strategic Siting Assessment process is well-suited to identifying potentially suitable sites for the deployment of new nuclear power stations by the end of 2025. However, in order to ensure that, so far as possible, alternative sites have been identified and assessed, and in line with the requirements of the Habitats Directive, the Government also commissioned Atkins Ltd to identify whether there might be other sites in England and Wales worthy of further consideration, and the Government has separately considered those sites. Beyond those sites that were nominated into the SSA process, the Alternative Sites Study found three sites worthy of further consideration – Druridge Bay, Kingsnorth and Owston.

<sup>24</sup> DECC, *Draft National Policy Statement for Nuclear Power Generation (EN-6)*, November 2009

<sup>25</sup> DECC, *Government response to consultation on the draft Energy National Policy Statements*, November 2010

<b>Dungeness, Kent</b>	Original site assessment in the consultation document on the draft NPS, pp.70-88 <sup>26</sup> Government response to consultation on the draft NPS pp.253-261
<b>Druridge Bay, Northumberland</b>	Original site assessment in the consultation document on the draft NPS, pp.92-107 Government response to consultation on the draft NPS pp.270-271
<b>Kingsnorth, Kent</b>	Original site assessment in the consultation document on the draft NPS, pp.108-124 Government response to consultation on the draft NPS pp.272-273
<b>Owston Ferry, Lincolnshire</b>	Original site assessment in the consultation document on the draft NPS, pp.125-140 Government response to consultation on the draft NPS pp.274
<b>Dungeness, Kent</b>	Original site assessment in the consultation document on the draft NPS, pp.70-88 <sup>27</sup> Government response to consultation on the draft NPS pp.253-261

### Site assessments within the Nuclear NPS (EN-6)

- 7.11. The site assessments within Annex C of the revised draft Nuclear NPS have been updated to reflect key points made during the consultation that are relevant to the NPS. The site assessments do not reflect every comment or response made, which can be viewed at <http://energynpsconsultation.decc.gov.uk>. A Government Response to consultation on the Draft NPS has also been published, which contains a discussion of the key themes raised during the public consultation and the Government's response.
- 7.12. The site summaries also now reflect the findings of the updated Appraisals of Sustainability and Habitats Regulations Assessments. Where this has led to key changes they are highlighted within these tables.
- 7.13. Within all the site summaries, as within the NPS, the guidance to the IPC has been clarified. Where that policy or guidance repeated what EN-1 or EN-6 would have required anyway, this has been removed and replaced with a reference to the relevant part of EN-1 or EN-6.

<sup>26</sup> DECC, *Consultation on the draft National Policy Statements for Energy Infrastructure*, November 2009

<sup>27</sup> DECC, *Consultation on the draft National Policy Statements for Energy Infrastructure*, November 2009

7.14. The below tables highlight key factual changes that respondents may be interested in but do not attempt to reflect all the updates that have been made.

## BRADWELL

What are the key changes?	Where is the change? (criterion or heading within Annex C)
<p><b>Deployability by 2025</b> The grid connection agreement between EDF and the National Grid has been modified from 2016 to 2021.</p>	Deployability by the end of 2025
<p><b>Demographics and emergency planning</b> Further detail has been included in response to consultation comments.</p>	C1
<p><b>Flood risk</b> Discussion of interim storage of waste on site and the implications of Flood Zone 3 status; discussion of climate change studies and projections.</p>	D1
<p><b>Coastal Processes</b> Updated to reflect consultation comments on the Shoreline Management Plan and impacts on habitats.</p>	D2
<p><b>Outer Thames Estuary Special Protection Area (SPA)</b> Updated to reflect the recently designated Outer Thames Estuary SPA; and the potential for cumulative effects if both Bradwell and Sizewell were developed.</p>	D6; Appraisal of Sustainability and Habitats Regulations Assessment for Bradwell (key findings).
<p><b>Nationally designated sites</b> Clarification that Sandbeach Meadows and the Colne Estuary SSSI were considered within the assessment.</p>	D6
<p><b>Footpaths</b> Reference to guidance within EN-1 on footpaths and coastal access.</p>	D9
<p><b>Cooling</b> New detail on restrictions on the application of natural draft cooling towers; Further discussion of the impact of direct cooling.</p>	D10

<p><b>Health</b> Updated to reflect 2008 radioactive monitoring findings. Also updated to reflect health studies raised during the consultation.</p>	Health
<p><b>Tourism and transport</b> Updated to reflect comments made during the consultation</p>	Other issues

## HARTLEPOOL

What are the key changes?	Where is the change? (criterion or heading within Annex C)
<p><b>Demographics</b> Further detail on the assessment in response to consultation comments.</p>	C1
<p><b>Flood risk</b> Discussion of the relevance of the Shoreline Management Plan in response to consultation comments; Discussion of interim storage of waste on site and the implications of Flood Zone 3.</p>	D1
<p><b>COMAH sites</b> An additional COMAH site, Fine Organics Ltd, has been identified; discussion of comments raised on the nearby recycling of vessels and ships.</p>	D3
<p><b>Ecologically designated sites</b> Updated to reflect consultation comments on habitat loss, impacts on birds and Hartlepool Power Station local wildlife site.</p> <p>Assessment updated to clarify that it reflected Cowpen Marsh and Coatham Sands SSSIs.</p> <p>The number of nationally and internationally designated sites where there is the potential for negative effects has been corrected to read seven rather than four (this section previously only reflected internationally designated sites).</p>	<p>D6</p> <p>D7</p> <p>Appraisal of Sustainability and Habitats Regulations Assessment for Hartlepool-key findings</p>
<p><b>Historic wreck</b> Updated to reflect the historic wreck at Seaton Carew</p>	D8

<p><b>Health</b> Updated to reflect 2008 radioactive monitoring findings. Also updated to reflect health studies raised during the consultation.</p>	Health
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## HEYSHAM

What are the key changes?	Where is the change? (criterion or heading within Annex C)
<p><b>Demographics</b> Summary updated to reflect comments made during the consultation.</p>	C1
<p><b>Flood risk</b> Updated to reflect consultation comments on the interim storage of waste on site.</p>	D1
<p><b>Coastal processes</b> Updated to reflect consultation comments on the impact of coastal defences on designated habitats.</p>	D2
<p><b>Proximity to hazardous facilities</b> Updated to reflect consultation comments on an alleged incident involving the transit of Ammonium Nitrate at Heysham Harbour.</p>	D3
<p><b>Nationally and internationally designated ecological sites</b> Leighton Moss SPA added to the key findings (it was already featured under the assessment of D6 in the draft NPS).  Updated to reflect consultation comments on Heysham Golf Course reedbed and Heysham Nature Reserve, which are not designated at national level.</p>	Appraisal of Sustainability and Habitats Regulations Report for Heysham – key findings  D7
<p><b>Areas of amenity, cultural heritage and landscape value</b> Discussion of concerns raised on Heysham Head including St Patrick’s Chapel.</p>	D8
<p><b>Cumulative effects</b> Updated assessment reflects the relationship with the nominated site at Sellafield (Kirksanton and Braystones are not included on the revised draft NPS).</p>	Appraisal of Sustainability and Habitats Regulations Report for Heysham – key findings

<p><b>Health</b> Updated to reflect 2008 radioactive monitoring findings.</p>	Health
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## HINKLEY POINT

What are the key changes?	Where is the change? (criterion or heading within Annex C)
<p><b>Recent developments</b> Updated to reflect progress towards deployment, and to reflect comments made on EDF's preferred proposals.</p>	<p>Deployability by 2025</p> <p>Other issues- Detailed proposals and local effects</p>
<p><b>Flood risk</b> Updated to reflect consultation comments on the interim storage of waste on site.</p>	D1
<p><b>Footpaths</b> Updated to reflect guidance within EN-1 on coastal access.</p>	D8
<p><b>Size of site to accommodate operation</b> Map references updated</p>	D9
<p><b>Cooling</b> Updated to reflect consultation comments on cooling.</p>	D10
<p><b>Cumulative effects</b> How cumulative effects are considered by the IPC has been clarified to reflect EN-1.</p>	Cumulative effects
<p><b>Health</b> Updated to reflect 2008 radioactive monitoring findings. Also updated to reflect comments made during the consultation.</p>	Health

**OLDBURY**

<b>What are the key changes?</b>	<b>Where is the change? (criterion or heading within Annex C)</b>
<b>Recent developments</b> Updated to reflect progress towards deployment by Horizon Nuclear Power.	Deployability by the end of 2025
<b>Demographics</b> Updated to reflect comments made during the consultation.	C1
<b>Flood risk</b> Updated to reflect the assessment of sites within Flood Zone 3.	D1
<b>Internationally and nationally designated sites</b> Updated to reflect consultation comments on potential impacts on birds, the microclimate effects of cooling towers, and comments on sites that are not nationally designated.	D6 and D7
<b>Cooling towers</b> Updates reflect Horizon’s stated preference of hybrid (shorter) towers and changes made to EN-1 on guidance for the IPC’s consideration of types of cooling towers.  Consideration of comments on the size of reactors.	D8  D10
<b>Footpaths</b> Updated to reflect guidance within EN-1 on coastal access.	D9
<b>Cumulative effects</b> How cumulative effects are considered by the IPC has been clarified to reflect EN-1.	Cumulative effects
<b>Health</b> Updated to reflect 2008 radioactive monitoring findings. Also updated to reflect consultation comments.	Health
<b>Other issues</b> Updated to reflect comments made during the consultation on transport, socio-economic effects and geology	Other issues

**SELLAFIELD**

<b>What are the key changes?</b>	<b>Where is the change? (criterion or heading within Annex C)</b>
<p><b>Silecroft range</b> Assessment and guidance clarified to reflect that consideration of on and off site hazards is undertaken by the Health and Safety Executive.</p>	C2 and D5
<p><b>November 2009 floods</b> Assessment updated to reflect the flooding events and how Sellafield was affected.</p>	D1
<p><b>Coastal processes</b> Updated to reflect consultation comments on the impact of coastal defences.</p>	D2
<p><b>Sellafield existing facilities</b> Updated to reflect consultation comments regarding the proximity of existing facilities to any potential new build.</p>	D3
<p><b>Nationally and internationally designated sites</b> Updated to reflect consultation comments on the natterjack toad, Wast Water, and additional sites that are beyond 20km of the site boundary; and concerns over Church Moss SSSI and Sellafield Tarn.</p>	D6, D7
<p><b>Lake District National Park</b> Updated to reflect comments received during the consultation on potential impacts.</p>	D8
<p><b>Cooling</b> Updated to reflect consultation comments on whether there would be impacts on the Irish Sea.</p>	D10
<p><b>Cumulative effects</b> Updated assessment reflects the relationship with the nominated site at Heysham (Kirksanton and Braystones are not included on the revised draft NPS).</p>	Appraisal of Sustainability and Habitats Regulations Report for Sellafield – key findings.
<p><b>Other issues</b> Updated to reflect consultation comments on cumulative radiation doses and transport.</p>	Other issues

<p><b>Health</b> Updated to reflect 2008 radioactive monitoring findings. Also updated to reflect health studies raised during the consultation.</p>	Health
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## SIZEWELL

What are the key changes?	Where is the change? (criterion or heading within Annex C)
<p><b>Transmission</b> Updated to reflect a revised grid connection agreement date and recent developments by the National Grid on consultation.</p>	Deployability by 2025
<p><b>Demographics</b> Updated to reflect consultation comments on the impacts on development in the area.</p>	C1
<p><b>Flood risk</b> Discussion of interim storage of waste on site, and consultation comments on the risks of fluvial flooding.</p>	D1
<p><b>Coastal processes</b> Updated to reflect consultation comments including on offshore dredging.</p>	D2
<p><b>Nationally and internationally designated ecological sites</b> Assessment updated to reflect comments on a number of sites and species including the recently designated Outer Thames Estuary SPA.</p>	D6 and D7; Appraisal of Sustainability and Habitats Regulations Assessment for Sizewell – key findings.
<p><b>Area of Outstanding Natural Beauty</b> Updated to reflect concerns regarding impacts on the Suffolk Coast and Heaths AONB, the impacts of a potential access road, and impacts on footpaths.</p>	D8; D9; Detailed planning proposals for Sizewell
<p><b>Health</b> Updated to reflect 2008 radioactive monitoring findings.</p>	Health
<p><b>Other issues</b> Updated to reflect consultation comments on socio-economic effects and transport.</p>	Socio-economic effects Transport

**WYLFA**

<b>What are the key changes?</b>	<b>Where is the change? (criterion or heading within Annex C)</b>
<b>Recent developments</b> Updated to reflect progress towards deployment by Horizon Nuclear Power.	Deployability by the end of 2025
<b>Demographics</b> Updated to reflect consultation comments regarding emergency planning.	C1
<b>Internationally designated ecological sites</b> Updated to reflect an assessment of Llyn Dam SAC and impacts on water quality.	D6
<b>Anglesey Area of Outstanding Natural Beauty</b> Updated to reflect consultation comments on potential impacts.	D8
<b>Footpaths</b> Updated to reflect guidance within EN-1 on coastal access.	D9
<b>Health</b> Updated to reflect 2008 radioactive monitoring findings.	Health
<b>Other issues</b> Updated to reflect comments received on socio-economic effects and seismic risk.	Other issues

## Revised Appraisals of Sustainability for EN 1-5

- 7.15. AoSs are required by the Planning Act 2008<sup>28</sup> and are intended to help to ensure that NPSs take account of environmental, social and economic considerations, with the objective of contributing to the achievement of sustainable development. They incorporate the requirements of the regulations that implement the Strategic Environmental Assessment Directive<sup>29</sup>.
- 7.16. The AoS for EN 1-5 has informed the preparation of all the energy NPSs, although the Nuclear NPS was subject to a separate AoS.

What are the key changes?	Where is the change?
<p><b>Effects of policies</b></p> <p>The effect of the policy/ies have been reappraised and includes short, medium and long term appraisal, as well as discussion on potential cumulative effects. The “baseline” against which the effects of implementing the NPS policies have been compared has been that of the environment as it stands now, so that the assessment is answering the question, “what difference would it make to build a new generation of energy infrastructure in accordance with the NPSs?”, rather than making a comparison between implementing the same policies with and without an NPS as the previous draft AoSs did.</p>	<p>Throughout, but especially in the appraisal sections</p>
<p><b>Alternatives</b></p> <p>The selection and appraisal of policy alternatives for each Appraisal of Sustainability report (AoS1, 2, 3, 4 and 5) has been reconsidered. New alternatives have been developed and appraised, so that the appraisal considers the possible advantages and disadvantages of different policies which could be adopted in the NPSs as alternative ways of trying to fulfil the overall energy policy objectives which lie behind them, rather than different ways of drafting the NPSs, as the previous draft AoSs did.</p>	<p>Section on assessment of alternatives (separate section in AoS1, combined with appraisal of policies in AoS2-5)</p>

<sup>28</sup> Section 5(3) of The Planning Act 2008

<sup>29</sup> Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

## Revised Habitats Regulations Assessments for EN 1-5

7.17. The aim of the HRA is to assess the implications of NPSs for protected habitats.

What are the key changes?	Where is the change?
<p><b>Updates and alternatives</b>                      Minor updates where needed, and amendments to the HRA alternatives to reflect those in the AoS for EN 1-5.</p>	<p>Throughout</p>
<p>Clarification that the Imperative Reason of Overriding Public Interest (IROPI) case for the HRA applies to the NPSs, not to individual infrastructure applications; the latter will still need to go through the full HRA process.</p>	<p>Noted in the introduction and raised in the IROPI section of the revised HRA</p>

## Revised Appraisals of Sustainability for EN-6 (the revised draft Nuclear National Policy Statement)

7.18. The main AoS appraises EN-6 as a whole. There are also AoS reports for each site.

What are the key changes?	Where is the change
<p><b>AoS main report</b>                      The assessment has been updated to take account of the removal of Kirksanton and Braystones from the revised draft Nuclear NPS. This includes an update of the assessment of cumulative effects of sites.</p> <p>For clarity, existing material on the conclusion that there are no transboundary effects from the NPS has been consolidated in one section. It was previously set out in several different annexes.</p>	<p>Chapter 7</p>
<p><b>AoS site reports and appendices</b>                      Updated site reports and appendices have been published for the 11 nominated sites including those that have not been listed in the revised draft NPS (Braystones, Kirksanton and Dungeness). They take into account relevant comments from the public consultation which mainly focused on the characterisation of the area around the nominated site and relate to factual accuracy.</p>	<p>AoS site reports for each potentially suitable site</p>

## Revised Habitats Regulations Assessments for EN-6 (the revised draft Nuclear National Policy Statement)

7.19. The main HRA appraises the revised draft Nuclear NPS as a whole. There are also HRA reports for each site.

What are the key changes?	Where is the change?
<p><b>HRA main report</b>                      The assessment has been updated to take account of the removal of Kirksanton and Braystones from the Nuclear NPS. This includes an update of the assessment of cumulative effects.</p> <p>The case for IROPI has been updated to reflect the changes on the revised need case in EN-1, and changes on the sites that are considered potentially suitable.</p>	<p>Chapters 4, 5 and 6</p> <p>Chapter 7</p>
<p><b>HRA site reports</b>                      Updated site reports and appendices have been published to take account of comments from statutory consultees and other relevant comments from the public consultation. The changes consist of factual clarifications and the conclusions in the reports have not changed.</p> <p>The site reports for Sizewell, Bradwell and Heysham have been updated to account for new Natura 2000 sites.</p> <p>The site report for Dungeness has been updated to consider further environmental studies submitted by the nominator and comments from the public consultation. The environmental studies submitted by the nominator have also been published for information.</p>	<p>Throughout</p> <p>Relevant site reports</p> <p>Sections 2 and 3 of Dungeness site report</p>

## Revised Impact Assessment

- 7.20. The Impact Assessment analyses the administrative costs and benefits of proposed Government interventions to business, the public sector and the third sector (voluntary organisations).

What are the key changes?	Where is the change?
Details of the first consultation and Parliamentary Scrutiny have been added.	Page 9
Data on the costs and benefits of the NPSs have been updated to take account of actual spend and revised benefit estimates	Summary and Page 10
New paragraphs have been added under the heading “Equality Impact Assessment” to expand on the statement in the original consultation version that the NPSs had been screened and it had been determined that a full Equality Impact Assessment is not required. The screening document is annexed to the Impact Assessment.	Page 11





URN 10D/835

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