

Appendix A

Schedule of Consultation Responses

Ref	Consultation Question	Consultation Response	Commentary / Action Taken	Relevant Location in Final Scoping Report
Above Derwent Parish Council				
ADPC1	1	Concerns over Figure 2.1 Summary of HRA Process and Stage 4 Assessment of Imperative Reasons of Overriding Public Interest (IROPI). How is it conceivable that human health and safety when dealing with radionuclides can fail to qualify as IROPI?	<p>Comment noted. The Imperative Reasons of Overriding Public Interest (IROPI) test applies where a plan or project (in this case the NPS) would affect the integrity of a European designated conservation site and no alternatives are suitable. In this case, it will be necessary to identify the IROPI in order to designate the plan in a particular form.</p> <p>Figure 2.1 sets out the HRA process based on European Commission guidance and is not specifically tailored to the NPS. The figure does not imply that human health and safety would not qualify as IROPI. Instead, it serves to highlight that, where a plan such as the NPS could affect the integrity of a European designated conservation site and no alternatives are suitable, then authorisation may be granted if there are</p>	Figure 2.1 (Section 2.1)

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			human health and safety considerations. No change.	
ADPC2	1	Suggested that the ratio of one Statutory Consultation Body to five Additional Consultees in Box 1.1 Specific Consultees of the HRA of the NPS for GDF implies that there is bias towards nuclear bodies versus conservation bodies. This should be addressed to ensure there is no bias and be in accordance with Advice Note Ten: HRA relevant to NSIPs (2013) (version 4).	Disagree. Box 1.1 highlights that the four UK HRA statutory consultation bodies have been consulted on the HRA Methodology Report in addition to eight additional consultees (including four nuclear bodies). It is unclear how this represents a bias towards nuclear bodies. No change.	Box 1.1 (Section 1.5)
ADPC3	1	Suggested that, for the reason stated above, the Joint Nature Conservation Committee (JNCC), as the statutory advisor to the government and devolved administrations on UK and international nature conservation is added to the list of Specific Consultees.	Disagree. Section 5 of the Conservation of Habitats and Species Regulations 2010 (as amended) defines the appropriate nature conservation bodies to be consulted as part of any work undertaken to meet the requirements of the Habitat Regulations. These are Natural England and Natural Resources Wales (formerly the Countryside Council for Wales). Along with the selected consultees, the appropriate nature conservation bodies	Box 1.1 (Section 1.5)

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			have been consulted.	
ADPC4	1	Suggested that a process diagram, similar to the one included on page 3, figure 1 of Advice Note Ten: HRA relevant to NSIPs (version 4) produced by The Planning Inspectorate is included within the HRA of the NPS for GDF. The step by step process would help determine likely significant effects and, where appropriate, assess adverse impacts on the integrity of a European site and examine alternative solutions.	Comment noted. Advice Note 10 relates to nationally significant infrastructure projects as opposed to NPS. Regardless, Figure 2.1 of the HRA Methodology Report provides a similar process diagram to that contained in the Advice Note. No change.	Figure 2.1 (Section 2.1)
ADPC5	2	Highlights information provided in Advice Note Ten: HRA relevant to NSIPs (version 4) produced by The Planning Inspectorate sets out supporting evidence that a sound baseline is essential for the HRA to move onto the next step.	Comment noted. The screening stage of the HRA of the draft NPS will include the collation of baseline information to inform the assessment. Further information relating to the proposed approach to the collation of this information is provided in Section 3.1 of the Methodology Report. No change.	Section 3.1

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Northern Ireland Environment Agency				
NIEA1	General	Would like the HRA to contain a clear statement indicating whether or not the draft National Policy Statement for geological disposal of radioactive waste would have an adverse impact on any Special Areas of Conservation or Special Protection Areas in Northern Ireland.	Comment noted. The HRA of the draft NPS will determine if there will be any likely significant effects on any European site, including those in Northern Ireland. No change.	N/A
Natural England				
NE1	1	Natural England welcomes recognition at 2.1 at 3.6 that it is best practice to run the HRA as an iterative process alongside the development of the NPS. This prevents the document progressing to final stages, only to find that the assessment requires consideration of other options or policy wording and therefore potentially leading to abortive work	Comment noted. No change.	N/A

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		on the plan.		
NE2	1	HRA guidance is listed at 2.2. It should be noted that the DCLG 2006 guidance and the English Nature Guidance notes are now both obsolete. The EC guidance on Article 6(4) was originally produced in 2007, as stated, but this document was updated in 2012.	Comment noted. Reference to the DCLG 2006 guidance and the English Nature Guidance in Section 2.2 has been removed. Reference to the EC guidance has been revised as per this response.	Section 2.2
NE3	1	It is understood, as described in 2.3 and 2.4 that the NPS and therefore the HRA will focus on generic protective mitigation measures. In light of the non-site specific nature of the NPS, this is a logical approach. It is advised however that the HRA, whilst high level, should seek to be as meaningful as possible and one key way in which this can be achieved is to be as helpful as possible to lower tier HRA, Natural England would be happy to assist further with this as the HRA progresses.	Comment noted. No change.	Section 2.2, Section 2.4
NE4	1	The methodology describes, at 3.1, how information on all European sites in England will be collected and potentially some sites screened out due to a lack of impact pathways. Whilst this is the	Comment noted. To optimise the value of data already collected, the HRA of the NPS will use information gathered for the completion of	Section 3.1

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		<p>normal approach for HRA, it is advised that such data gathering may be time consuming and the HRA should focus on gathering information that is beneficial to the HRA and its outcomes. It is recommended that site information gathered should be restricted to that which will be most effective in informing the generic mitigation measures.</p>	<p>AoS of the NPS, including information on the location and condition of European sites (Section 1, Appendix B of the AoS Report).</p> <p>No change.</p>	
NE5	1	<p>It is noted that, as described at 3.3, use will be made of the Environment Agency's risk matrix for European sites. This focuses on site features and their vulnerability to particular impacts, which can be a very helpful tool in HRA, but it will be important to ensure that the full breadth of potential impacts is considered, as the EA tool was created to assist the EA in their own work.</p>	<p>Comment noted.</p> <p>The EA's risk matrix will be used to support the identification of those features (and hence sites) potentially vulnerable to the development of a GDF and/or related deep boreholes. In addition, the AA stage of the HRA (if required) will identify the likely effects and outcomes of the NPS, including consideration of the overarching objectives of the NPS; the development principles and controls that the NPS will rely on when considering the construction, operation and decommissioning of GDFs</p>	Section 3.3

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			and deep boreholes. No change.	
NE6	1	Caution should be taken with screening out sites at this high level assessment. The HRA should highlight to the lower tier assessment that site information could quickly be out of date as sites could be extended, have new features added, or whole new sites could be designated. Additionally, Natural England is proceeding through a programme of preparing site specific supplementary information for conservation objectives, and additional relevant information may therefore be available to the competent authority at the time of project level assessment.	Comment noted. The HRA will reflect any more recent information on the status and condition of any European sites covered by the assessment where this becomes available within the duration of the assessment. No change.	
NE7		Natural England welcomes recognition of the importance of in-combination assessment within 2.4, and the need to consider plans of differing types and level of detail as well as projects. The definition of screening for likely significant effects at 3.2 is particularly welcomed in relation to the 'possibility' of an effect. In describing the AA	Comment noted. No change.	Section 2.4, Section 3.2, Section 3.3, Section

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		<p>process at 3.3, recognition of the need to check for potential constraining policies that may lead to greater risk of European sites being affected is welcomed.</p> <p>Section 3.4 describes the process for the consideration of alternative solutions, and Natural England recognises that this will not re-test the policy of geological disposal itself, but rather it will consider alternatives to a fully non-site specific NPS. The alternative options for consideration are welcomed as these potentially provide meaningful alternative approaches.</p>		3.4
NE8	1	<p>As this stage it is also important to consider that, as advised throughout the methodology document, the Government favours an approach to siting GDF that is based on the willingness of communities to participate in the siting process, i.e. it is 'voluntarist.' Whilst the NPS itself will not specify locations for GDF or investigation boreholes, at this plan level HRA it needs to be recognised that this approach could potentially lead to very few, and possibly a singular site to pursue at the project</p>	<p>Comment noted. No change.</p>	

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		<p>level through the NSIP process. A project level HRA could then potentially be unable to rule out adverse effects on site integrity, and alternative solutions would then need to be considered. DECC should be aware of this risk, and the consequential re-visit of the site identification process that would then need to take place in order to seek alternative solutions via other locations. This effectively takes the process back to the start, and it is therefore recommended that this potential risk is considered at this early stage in order to make contingency plans and consider whether to pursue alternative approaches such as those listed in the methodology report, that may reduce this risk.</p>		
NE9	1	<p>In discussing the potential for imperative reasons of over-riding public interest at 3.5, it is again important to note that imperative reasons for GDF per se does not automatically lead to imperative reasons of over-riding public interest at a particular location, particularly if there are firstly a number of alternative solutions and notable alternative locations. The NPS and its HRA will need to</p>	<p>Comment noted. No change.</p>	Section 3.5

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		correctly distinguish between the two, and ensure that the NPS and its HRA make clear that the existence of the NPS does not lead to an assumption that imperative reasons for GDF at a particular location can be concluded at a project level HRA.		
Nuclear Decommissioning Authority (NDA) & Radioactive Waste Management Ltd (RWM)				
NDA1	1	The proposed approach set out in the HRA Methodology Report appears rather detailed for a generic policy level assessment. Given the non-site specific nature of the NPS, it is not clear that identifying specific sites protected under the Habitats Regulations across England and considering whether there will be likely significant effects on them as a result of the NPS is necessary in order to understand potential habitats issues.	Comment noted. The NPS is subject to the provisions of Article 6(3) of the "Habitats Directive" (92/43/EEC) and the requirements of Regulations 102 and 103 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the 'Habitats Regulations'). These provisions require an assessment of whether there are any 'likely significant effects' on any European site as a result of the implementation of the NPS and, if so, whether these effects will result in any	N/A

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			<p>adverse effects on that site's integrity.</p> <p>However, as noted in Section 2.4 of the HRA Methodology Report, as potential sites will not be identified in the NPS, any European site in England (and several in adjacent countries) could be affected by the activities to which the NPS will relate. Attempting to identify and assess specific effects on specific sites is not appropriate where no potential development site has been identified. It is more appropriate for the assessment to focus instead on identifying the protective measures that can be included in the development of the NPS in order to safeguard European sites generally.</p> <p>No change.</p>	
NDA2	1	The suggestion in the methodology that exclusionary criteria may be considered if potential impacts on protected sites cannot be ruled out would appear to be unnecessary. Any generic	<p>Comment noted.</p> <p>No change.</p>	

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		<p>exclusionary criteria identified at the current non-site specific stage of the NPS would be likely to be unnecessarily restrictive and without a substantive evidence base to justify them. Reiteration of the legal and policy position, that a generic NPS will not create a situation whereby the requirements of the Habitats Directive will not be addressed at the consenting stage for a particular deep borehole or GDF application may be more appropriate.</p>		
EDF Energy				
EDF1	1	<p>EDF Energy believes that the Government’s proposed approach is thorough and proportionate, and we would like to stress the importance of applying due diligence throughout the entire process. At this stage, a high level strategic assessment is proportionate and we agree that “attempting to identify and assess specific effects on specific sites is not appropriate where no potential development site has been identified”.</p>	<p>Comment noted. No change.</p>	N/A
EDF2	2	<p>EDF Energy agrees that this report sets out sufficient information to establish the context for the</p>	<p>Comment noted.</p>	N/A

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		<p>screening report and the appropriate assessment.</p> <p>The acknowledgement that it will be difficult to rule out the possibility of significant effects, given that the statement will not identify locations for a facility, is sensible and should expedite the commissioning of an Appropriate Assessment.</p>	No change.	
Nuclear Legacy Advisory Forum				
NLAF1	1	Yes. However, it is important that expert bodies such as Natural England are fully engaged in the process as it develops, and that baseline data and knowledge from such organisations is utilised in the most effective way possible.	<p>Comment noted. Natural England and other appropriate bodies have been consulted on the HRA Methodology Report and will be involved in the HRA of the draft NPS going forward.</p> <p>No change.</p>	N/A
NLAF2	2	Yes	<p>Comment noted.</p> <p>No change.</p>	N/A

