

Nuclear Industry Association Response to Consultation on Planning for New Energy Infrastructure: revised draft National Policy Statements

The Nuclear Industry Association (NIA) welcomes the chance to respond to the Department for Energy Security and Net Zero's consultation on Planning for New Energy Infrastructure: revised draft National Policy Statements.

The NIA is the trade association and representative body for the civil nuclear industry in the UK. We represent around 270 companies operating across all aspects of the nuclear fuel cycle, including the current and prospective operators of nuclear power stations, international designers, and vendors of nuclear power stations, and those engaged in decommissioning, waste management and nuclear liabilities management. Members also include nuclear equipment suppliers, engineering and construction firms, nuclear research organisations, and legal, financial and consultancy companies.

Due to the diversity of our membership, our views in this submission will cover high-level, industry-wide matters. Our members may choose to make their own detailed submissions.

Summary Recommendations:

- Nuclear should be designated a Critical National Priority.
- National Policy Statements relevant to nuclear should be adopted and updated as quickly as possible to provide certainty in the planning process and to expedite the deployment of nuclear projects.
- Advanced Nuclear Technologies should not be subject to Strategic Siting Assessments as the modular concept requires fleet deployment and high unit volume across multiple sites.

Questions

1. Do you agree with the glossary definition for CNP?

We agree with the glossary definition: offshore wind is a vital technology to meeting our net zero target, and it is thus essential to accelerate deployment of projects.

The policy presumption in favour of offshore wind development should guide the planning system to speedier and more constructive decisions.

2. Do you agree with the new guidance added to draft EN-1, draft EN-3 and draft EN-5 on the CNP for offshore wind, supporting onshore and offshore network infrastructure, and related network reinforcements? Specifically, do you agree that this policy will

- a. support government ambitions to deploy up to 50GW of offshore wind by 2030, including up to 5GW of floating wind?**
- b. support government objectives to streamline the offshore wind consenting process?**

8. Do you have any comments on any aspect of the draft energy NPSs or their associated documents not covered by the previous questions?

Critical National Priority for Nuclear

We strongly recommend the designation of nuclear power as a Critical National Priority on a par with offshore wind in the forthcoming NPSs. Nuclear power is the essential and irreplaceable clean, firm electricity source to the UK's net zero goals, just as offshore wind is perhaps the most important variable generation source to that transition.

Planning consent for nuclear projects must in fact accelerate dramatically if the UK is to meet its ambition for nuclear to provide 25% of its electricity from 24 GW of capacity ambition that the Government set in the British Energy Security Strategy:

- Hinkley Point C, Sizewell C and Sizewell B will account for 7.7 GW of this capacity.
- A further 16.3 GW of nuclear projects need to receive planning permission by 2050, a rate of 0.6 GW per year.
- Since the Nationally Significant Infrastructure Projects (NSIP) system was brought in 15 years ago, 6.5 GW of capacity have received planning permission, a rate of closer to 0.4 GW per year. The most recent project, Sizewell C, took more than 10 years to receive permission and required the Secretary of State to overrule the recommendation of the Planning Inspectorate, as discussed in more detail later.
- There are now no other projects in the pipeline.

Designating nuclear as a Critical National Priority with a strong presumption in favour of development should increase the likelihood of consent being granted and provide increased certainty with which project developers can raise development finance.

Establishing a stronger presumption in favour of nuclear development should also help in achieving more proportionality in planning decisions made on nuclear projects. To date, the current system has not produced such decisions.

Despite EN-1 and EN-6 clearly establishing the urgent need for nuclear power, the Strategic Siting Assessment extensively scrutinising a number of sites for their suitability for GW-scale nuclear, and EN-6 explicitly naming the suitable sites, the Planning Inspectorate recommended that Development Consent Orders should not be made for the GW-scale projects at both Wylfa and Sizewell despite their enormous contribution to climate change. Both sites were designated sites under EN-6, and both applications were comprehensive in their provision of information and costly to produce.

To give a practical example, the Planning Inspectorate recommended the rejection of the Wylfa Newydd Nuclear Power Station application for a Development Consent Order, despite the fact that it acknowledged the project would meet the objectives of NPS EN-1, by providing “a source of low carbon energy for an estimated 65-year operational life that could serve 5.5 million households”. It concluded that “the benefits of the development at this site would not outweigh the broader impacts on the national network of SSSIs”, largely on these grounds:

- “due to insufficient scientific evidence, it cannot be demonstrated beyond reasonable scientific doubt, that the tern colony would not abandon Cemlyn Bay and with reference to 5.3.17 of EN-1, substantial weight should be given these potential adverse effects”
- “there is probability that the nationally important CHEG grasslands may be lost and not able to be re-created, so not being compliant with 5.3.17 of EN-1 or TAN 5.”¹

¹ The Planning Inspectorate, *Wylfa Newydd Nuclear Power Station: Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Business, Energy and Industrial Strategy* (published February 2021, drafted July 2019). Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010007/EN010007-003948-Recommendation%20Report%20-%20English.pdf>. Accessed 6 June 2023.

Especially given United Nations' analysis that nuclear generation has the least impact on ecosystems of any electricity source², the benefits of such a large source of low carbon generation would certainly outweigh possible, not certain, effects on local species, but the planning system failed to account for this.

In Sizewell's case, although the Secretary of State granted the DCO, the Planning Inspectorate's recommendation was on the basis of dissatisfaction with a number of plausible proposed solutions for the potable, rather than cooling, water supply. This was even though the Planning Inspectorate recognised the following: "The Proposed Development would be in accordance with the aim of Government policy as set out in NPS EN-1 and EN-6 to achieve the delivery of major energy infrastructure including new nuclear electricity generation to meet the urgent need for new electricity Nationally Significant Infrastructure Projects. There is clearly an urgent need for development of the type proposed and the actual contribution that the Proposed Development would make to satisfying that need is a factor to which we attribute very substantial weight."

Our firm view is that the grounds on which those recommendations were made were entirely disproportionate to the limited potential detriment and the vital contribution that would be made to the UK's clean electricity needs. The projects combined would have provided 6 GW of clean, firm generating capacity, enough to power 11 million homes, prevent 18 million tonnes of emissions per year, and displace nearly 10 billion cubic metres of gas use.

Designating nuclear as a Critical National Priority should help to correct such disproportionality by attaching even greater weight to the contributions nuclear projects make to mitigating climate change.

Development of an EN-7 and Advanced Nuclear Technologies

We are very glad to see the inclusion of advanced nuclear technologies (SMRs and AMRs) and fusion in EN-1 and recognition that nuclear generating technologies are urgently needed to provide an affordable, reliable, sustainable and secure electricity system.

The inclusion of these technologies provides welcome initial assurance on the planning process, while an EN-7 is being developed.

The rapid development and adoption of EN-7 should be a key priority. In particular, we do not believe this should involve conducting a Strategic Siting Assessment for advanced nuclear technologies. These modular reactor technologies cannot be viable without fleet deployment to sustain the business case for investment in factories to produce modules as well as investment on sites. Dozens of sites will likely be needed across the range of technologies, especially to provide co-generation for the decarbonisation of industry. It should be noted that nuclear is the only primary source of low-carbon heat at scale, and as such it will be vital for the decarbonisation of industry, whether through electricity or through other forms of energy.

An SSA would not provide the necessary speed or flexibility to facilitate the required deployment of nuclear technologies.

Non-nuclear technologies are not subject to SSAs, which does provide additional flexibility. Nuclear would in any case remain robustly and comprehensively regulated to ensure the highest standards of nuclear safety and would also remain subject to all the usual standards applied to other technologies.

Beyond this, we would strongly recommend the swift adoption of the revised EN-1 and a definitive update of EN-6. On EN-6, the aim should be to clarify that section 104 of the Planning Act 2008 should apply to projects which could demonstrate deployment by the end of 2035, rather than 2025 as

² United Nations Economic Commission for Europe (2022), *Carbon Neutrality in the UNECE Region: Integrated Life-cycle Assessment of Electricity Sources*. Available at: https://unece.org/sites/default/files/202208/LCA_0708_correction.pdf. Accessed 6 June 2023.

it currently stands. Another GW-scale project will not be able to demonstrate deployment by the end of 2025, so a definitive statement to “roll over” EN-6 past 2025 would be very welcome.

Such a clarification should also specify that all the designates sites identified in the initial EN-6 are still considered suitable for GW-scale deployment. The GW-scale technologies that could be brought forward were all *deployable* before 2025, even if projects did not necessarily come forward, so there is no need to revisit the technical and policy work done in that sense.

If there is capacity, the Strategic Siting Assessment should be updated to identify any further suitable GW-scale sites, particularly given the extra requirements for clean power stemming from the binding net zero target and the ambitions of the British Energy Security Strategy.

The leading priority, however, should be the development of EN-7.

Conclusion

Our principal recommendations are that:

- Nuclear should be designated a Critical National Priority, establishing a policy presumption in favour of development.
- All current and proposed National Policy Statements relevant to nuclear should be adopted and updated with as much speed as possible to provide certainty and clarity in the planning process to expedite investment in and deployment of nuclear projects.
- Advanced Nuclear Technologies should not be subject to Strategic Siting Assessments because the modular concept demands fleet deployment and high unit volume across many sites and because the demands of industrial decarbonisation require greater flexibility and speed than an SSA would impose.

Further Information

The NIA is happy to provide more context or any clarifications desired on the content of our response and to ask our members where appropriate for additional information that may be useful.

Please contact Lauren Rowe, Policy Analyst for the NIA, at Lauren.Rowe@niauk.org to do this.