

Nuclear Policy Framework Team
Department for Business, Energy & Industrial Strategy
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newnuclearNPS@beis.gov.uk

15th March 2018

Dear Sir/ Madam,

Consultation on the siting criteria and process for a new National Policy Statement for nuclear power with single reactor capacity over 1 Gigawatt beyond 2025

We welcome the opportunity to respond to the above consultation.

The statutory purpose of Natural Resources Wales (NRW) is set out under the Environment (Wales) Act 2016. In the exercise of its functions under the Environment (Wales) Act 2016, NRW must pursue sustainable management of natural resources in relation to all its work in Wales, and apply the principles of sustainable management of natural resources in so far as that is consistent with the proper exercise of its functions. NRW's duty (in common with the other public bodies covered by the Well-Being of Future Generation (Wales) Act 2015) is to carry out sustainable development. This means, in general terms, looking after air, land, water, wildlife, plants, and soil to improve Wales' well-being, and provide a better future for everyone. NRW is also an advisor to the Welsh Government on the natural heritage and resources of Wales and its coastal waters.

Our main comments to the proposed strategic site are:

- The proposed discretionary approach for the listed National Criteria in Table 2.15 of the consultation document seems reasonable in most cases at this strategic stage of the process. However, in line with the precautionary approach set out in *Technical Advice Note 15: Development and Flood Risk*, we believe further consideration should be given to the approach for nominated sites in Wales which include an area of flood risk zone C2.
- The consultation document usefully indicates the nature of information to be considered and/ or submitted by site nominators in support of their submissions. However, we consider that there is additional information and other plans/ policies and guidance which are relevant for Wales. We highlight these in our detailed

comments below, and recommend that they are also reflected in any guidance to site nominators.

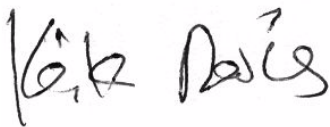
- From the information contained in the consultation document, it is unclear as to how requirements under the Water Framework Directive has been considered in developing the National Criteria set out in Table 2.15. It would be useful to learn how this has been considered, and the reasons for its omission from the listed criteria.
- We would encourage that any guidance to nominators for sites in Wales should also refer to requirements set out in the Environment (Wales) Act 2016, and the Well-being of Future Generations (Wales) Act 2015, and how they should be reflected in nominators' submissions.

Our detailed response to your consultation questions are included in the attached Annex 1.

We trust that our advice will be useful to you. If you have any queries in relation to our detailed response, please contact Keith Davies, Planning, Landscape, Energy and Climate Change Manager in the first instance at: keith.davies@cyfoethnaturiolcymru.gov.uk.

Please send future consultations on subsequent stages of the process, and on the emerging new NPS to: adrian.james@cyfoethnaturiolcymru.gov.uk

Yours faithfully,



Keith Davies

Manager Planning, Landscape Energy & Climate Change

Annex 1

Q1: Do you agree that the proposed exclusionary and discretionary criteria are appropriate for the assessment of a site's suitability at a strategic level?

Our advice in relation to the proposed national criteria, and the relevant supporting text are set out below:

Flooding, tsunami and storm surge

We welcome the inclusion of flood risk within the national criteria. The main policy framework for assessing the risk and consequences of flooding within the planning system in Wales is set out in [Planning Policy Wales](#), and [Technical Advice Note 15 \(TAN15\): Development and Flood Risk](#).

TAN15 adopts a precautionary approach to flood risk, that is applicable both for forward planning and development management. The precautionary framework is supported by the Welsh Government's Development Advice Map (DAM).

The development advice map categorises flood risk into development advice zones, which are attributed different planning actions. Zone C denotes the extreme flood outline and is further categorised into zone C1 (developed floodplain served by significant infrastructure including flood defences) and zone C2 (areas of undefended floodplain).

TAN15 states that highly vulnerable development should not be permitted in flood zones C2. Within C2, only less vulnerable development should be considered subject to the application of the justification test, including acceptability of consequences. In C1 zones, the framework states that development can take place subject to the application of the justification test, including acceptability of consequences. TAN15 (figure 2) provides a definition of highly vulnerable development (HVD), which includes power stations.

We consider that for sites located wholly or partially within Wales, the precautionary framework set out in TAN15 should be applied.

In its application in Wales, the national criteria should adopt an exclusionary approach to strategic sites which include an area of flood zone C2, unless the site nominator can demonstrate to the satisfaction of BEIS that no highly vulnerable parts of the development is located within flood zone C2, or BEIS considers that an exceptional approach is applicable which is consistent with paragraph 5.53 of TAN15, and./ or paragraph 13.3.2 of Planning Policy Wales.

We also suggest the following amendments to the supporting text of the consultation document:

Paragraph 2.18 (d): we recommend that specific reference should be made to the tests set out in Section 6 of Tan15 for sites located within Wales.

Paragraph 2.22: The development advice map (DAM) a Welsh Government map, and is hosted by NRW.

Paragraph 2.24: The 'exception test' described here applies only in England, and this should be clarified in any guidance to nominators.

Paragraph 2.25: We recommend that any guidance to site nominators should refer to the following associated guidance for use in Wales:

- Adapting to Climate Change: Guidance for Flood and Coastal Erosion Risk Management Authorities in Wales.
<http://gov.wales/topics/environmentcountryside/epq/flooding/nationalstrategy/guidance/climateguide/?lang=en>
- CL-03-16 Climate Change Allowances for Planning Purposes
<http://gov.wales/topics/planning/policy/policyclarificationletters/2016/cl-03-16-climate-change-allowances-for-planning-purposes/?lang=en>;

Coastal processes

We welcome the inclusion of coastal process within the national criteria. However, we have the following comments which should be considered when preparing guidance for site nominators:

Paragraph 2.28: Any guidance to nominators should clarify whether the 'lifetime of the station' includes the decommissioning period. We recommend that BEIS should be confident that there would need to be confidence that erosion of the proposed strategic site would not occur throughout any decommissioning period.

We welcome the need to consider the potential effects of a proposed scheme on coastal processes. Guidance to nominators should clarify that this consideration also extends to the effects from associated development such as (but not limited to) any marine/coastal infrastructure including port/harbour/marine offloading facilities or jetties, breakwaters, intake and outfall structures, and any associated dredging requirements.

Paragraph 2.29: We welcome the acknowledgement to consider coastal processes. However, this should not be limited to the consideration of flood risk and coastal processes, but also extend to the potential effects on environmental receptors such as marine and coastal habitats and species.

Paragraph 2.30: The final sentence to this paragraph seems to be incomplete.

Paragraph 2.31: In addition to information on countermeasures to protect the site from coastal erosion or flooding, the effects from associated development should also be identified and considered.

Additionally, any guidance to site nominators should clarify that consideration should also be given to the content of relevant Shoreline Management Plans.

Internationally designated sites of ecological importance

We welcome the inclusion of internationally designated sites of ecological importance within the national criteria. We advise that the following suggested amendments should be considered prior to the preparation of any guidance to nominators:

Paragraph 2.64: Amend to read: “... *the likely significant effect and, in light of an appropriate assessment, whether it would be reasonable to conclude, at a strategic level...*”.

We also suggest replacing the final phrase “...*in line with the standards set by the Habitats Directive*” with “...*in view of the conservation objectives for the sites concerned.*”

Paragraph 2.66: The reference to “*assessment*” in the first line should be replaced with “*Habitats Regulations Assessment*”.

Replace “...*that there are Imperative Reasons of Overriding Public Interest...*” with “... *whether there are Imperative Reasons of Overriding Public Interest...*”

Paragraph 2.99: Replace “...*the standards set by the Habitats Directive*” with “...*the requirements of the Habitats Directive.*”

Paragraph 2.70: Replace “...*areas in response to this criterion*” with “...*Natura 2000 or Ramsar sites concerned*”.

Areas of amenity, cultural heritage and landscape

We welcome the inclusion of landscape within the national criteria. However, we have the following comments which should be considered when preparing guidance for site nominators:

Paragraph 2.77: We welcome the inclusion of the Registered landscapes of historic interest in Wales.

Paragraph 2.79 & 2.81: We generally welcome the provisions set out in these paragraphs. However, in addition to the legislative protection afforded to National parks and AONBs, we advise that the guidance to nominators should also refer to the need to consider paragraph 5.5.6 of Planning Policy Wales where major development is proposed within protected landscapes in Wales.

Paragraph 2.83: We support the listed sites and the inclusion of both National Trails and Coast Paths.

Paragraph 2.85: The consultation incorrectly identifies TAN15 as the main planning policy framework to assess schemes which may affect the purposes of National Parks and AONBs. This should be deleted and instead reference should be made to the relevant

chapter in Planning Policy Wales. We also advise that reference should also be made to Technical Advice Note 24: The Historic Environment where nominators are considering sites which have the potential to affect the historic environment.

Further, guidance to nominators should include reference to how the Management Plans of AONBs and National Parks should be considered.

Additionally, any guidance to nominators should refer to [Landmap](#) in making landscape assessments and in their decision-making for sites within Wales.

Q2: If not, how should the criteria be changed to achieve this objective and, specifically, are there any additional criteria that should also be used?

From the information contained in the consultation document, it is unclear as to how requirements under the Water Framework Directive has been considered in developing the National Criteria set out in Table 2.15. It would be useful to learn how this has been considered and the reasons for its omission from the listed criteria.

As a general comment to the Table on page 20 (Matters flagged for detailed consideration by PINS and/ or ONR/ Environment Agencies) of the consultation document; it may be useful to provide certainty to all parties by clarifying which body will be consulted for each identified criterion.

Q3: Do you have any comments on the process to designate potentially suitable sites in the new NPS for nuclear set out in paragraphs 3.1-3.14?

No comment.

Q4: Do you have any comments on the process for future site nominations set out in paragraphs 4.4-4.18?

The proposed process as outlined in Chapter 4 seems reasonable. As part of any guidance which relates to local engagement, it may be useful to indicate that applicants may also decide to consult sector specific consultees on their considered sites.

It may also be useful to ask nominators to produce a 'consultation report' which sets out who they have consulted, and how the views of those consulted have informed their submission.