

COUNCIL BUSINESS COMMITTEE

Nationally Significant Infrastructure Projects and Draft National Planning Statements

14th January 2009

Report of Head of Planning Services

PURPOSE OF REPORT

To advise members of the publication of draft National Planning Statements and give members the opportunity to formulate a response to the consultation.

This report is public

RECOMMENDATIONS

- (1) That the Report be noted and that the responses to the consultation questions submitted as Appendix 1 be submitted as the Council's corporate response to the Consultation.
- (2) That individual groups be advised to submit their own representations if they so wish.

1.0 Background

- 1.1 The Government has made some major changes to the planning regime for major development, with the intention of delivering quicker decisions. Under the 2008 Planning Act, planning applications and other consents for nationally significant infrastructure in England and Wales are to be determined by an Independent Planning Commission appointed by the Government.
- 1.2 Government is currently consulting on a suite of **draft National Policy Statements on development related to energy** which set out the key national policy criteria against which applications for major new infrastructure will be considered. One of these, NPS EN-6 deals with nuclear power generation and identifies a site for nuclear energy generation at Heysham. This report explains the new system for major infrastructure planning which is the background to the consultation, describes the new NPSs which are most relevant to Lancaster District and recommends an appropriate response.

Background

Nationally Significant Infrastructure

- 1.3 The types of development to which these provisions apply are:
- **Power stations** with a capacity of more than 50 megawatts (MW) onshore and 100 MW offshore. (*the Heysham stations are 1,150- 1,250 MW, existing Caton Moor about 16 MW and Barrow wind farm about 90 MW*).
 - Above ground **electricity lines** with a voltage of 132 kilovolts (kV) or more. (*This covers most large power lines*);
 - Underground **gas** storage facilities, LNG (liquid natural gas) facilities or gas reception facilities and gas and other pipelines;
 - Development related to **motorways** and trunk roads; (*currently only the M6 and Carnforth spurs in Lancaster District*);
 - **airport**-related development resulting in capacity increases of 10 million passengers per annum (mppa) or 10,000 air freight movements pa; (*Manchester currently has terminal capacity for around 23 mppa. Liverpool has around 4.5 mppa and Blackpool around 2 mppa*);
 - **Harbour** facilities with a capacity of at least 500,000 containers, 250,000 ro-ro units or 5 million tonnes of other cargo per annum.
 - **Railways** and Rail Freight interchanges;
 - **Dams and reservoirs** with a capacity of 10m cubic metres (m³) or more; (*Thirlmere is around 37m m³. Stocks Reservoir around 13m m³*). and development related to the transfer of water resources;
 - **waste water treatment plants** with a capacity of 500,000 or more population equivalent.
 - the construction or alteration of a **hazardous waste facility**.
- 1.4 The Act provides for the Secretary of State to amend the type and scale of development defined as Nationally Significant Infrastructure.

The Infrastructure Planning Commission (IPC)

- 1.5 The **Infrastructure Planning Commission (IPC)** is a new body created by the Secretary of State for Communities and Local Government. Bodies proposing major infrastructure development must apply to the IPC for **Development Consent** which overrides the need for planning permission and other statutory consents. The IPC will ultimately employ 30-40 **commissioners**, appointed by the Secretary of State supported by a secretariat of 80 staff. The IPC commissioners will examine and determine the applications. As part of the process, the IPC will conduct **Examinations** into schemes at which representations can be made, either orally or in writing.

How will the Development Consent Process work?

- 1.6 Like planning applications, development proposals for major infrastructure development will be initiated by the body that proposes to carry out the development. This may be a private company such as a power company or a public body such as the Highways Agency.
- 1.7 Before submitting an application, the Infrastructure Provider must;
- Apply to the Infrastructure Planning Commission for an Environmental Appraisal screening opinion;

- In consultation with Local Authorities, prepare a Statement of Community Consultation (SOCC) setting out an agreed set of consultation proposals;
 - Carry out community consultation in line with the SOCC including consultation with local authorities, Government departments and agencies, statutory consultees, landowners and neighbours, the general public and other relevant organisations;
 - take account of relevant representations in finalising the application;
- 1.8 A submitted application will consist of a Draft Order granting Development Consent including;
- A full description of the development;
 - Provisions needed to carry out the project such as compulsory purchase, the stopping up of highways and extinguishing rights of way;
 - Other necessary provisions such as changes to legislation, modifying agreements or protecting the interests of persons potentially affected by compulsory land acquisition;
 - The requirements (similar to planning conditions) to be attached to the consent.
- 1.9 Applications must be accompanied by an extensive range of supporting information including an Environmental Statement and details on flood risk, nature conservation, landscape, built heritage and archaeological impacts and land and property interests. If the application is valid, the IPC will notify the applicant that the application is accepted. Once this is done, the applicant has to publicise the application and advise consultees how to make initial representations.
- 1.10 Once the application has been submitted and publicised, the IPC takes over the leading role. At this point, the IPC will require Local Authorities to submit a **Local Impact Report** setting out the likely impacts of the project on their area. The application may be determined by a single commissioner, a panel of commissioners or by the Secretary of State advised by IPC commissioners. The Commissioner will convene a Pre-Examination Meeting setting out ground rules, key issues and timetables for hearings and evidence submission. The intention is that the basic mode of operation for the examination should be consideration of written representations although affected persons have a right to an oral hearing. After the conclusion of the examination process the Infrastructure Planning Commission may refuse the proposal, or it may grant a development consent order which may contain a list of requirements with which the development must comply.

What is the role of Local Authorities?

- 1.11 Although the IPC and/or the Secretary of State will be the decision maker, Local Planning Authorities will have a significant role in the process. These include
- Before submission – making representations as a consultee on the applicant's Statement of Community Consultation;
 - On submission - Advising the IPC on the adequacy of community consultation measures undertaken by the applicant as part of the IPC's application validation process;
 - On acceptance – preparing a Local Impact Report setting out the impacts of the proposal in the area;
 - During the examination – as a key participant;

- Following approval – having responsibility for any necessary planning enforcement.

How does the IPC make its decisions?

- 1.12 Decisions on major infrastructure proposals will have regard to:-
- Any relevant **National Planning Statement (NPS)** (see below);
 - Any local impact report from a local authority;
 - Relevant matters contained in regulations;
 - Any other matters thought to be both important and relevant to its decision.
- 1.13 As a general principle, the Act requires the IPC (or the Secretary of State) to decide an application in accordance with the relevant National Planning Statement unless there are compelling reasons for not doing so. The Act allows for the decision maker to disregard representations considered to be ‘vexatious or frivolous’.

National Planning Statements

- 1.14 National Planning Statements are statements of national Government Policy on major infrastructure and, as can be seen above, will be the central consideration against which proposals for new national infrastructure will be determined. The Government has published seven draft National Policy Statements as follows;
- EN1 - Overarching National Policy Statement for Energy;
 - EN2 - Fossil Fuel Electricity Generating Infrastructure;
 - EN3 - Renewable Energy – including wind farms, waste and biomass plants;
 - EN4 - Gas Supply Infrastructure and Gas and Oil Pipelines
 - EN5 - Electricity Networks Infrastructure – e.g. power lines and substations
 - EN6 - Nuclear Power Generation;
 - Ports.
- 1.15 Future NPSs will cover;
- National networks – e.g. strategic roads and railways, including strategic rail freight
 - Waste Water – e.g. sewage treatment infrastructure
 - Hazardous Waste – e.g. high temperature incineration
 - Water Supply – e.g. reservoirs and
 - Airports.
- 1.16 The following links give access to the consultation documents and also contains details of consultation measures being undertaken;
- [Overarching Energy NPS Policy EN1;](#)
 - [EN 2-5, Fossil Fuels, Renewables and Gas and Oil Networks;](#)
 - [EN 6 Nuclear Power Generation](#)
 - [Ports NPS](#)

- 1.17 All draft NPSs have been subject to Sustainability Appraisal and Habitat regulations assessment and sustainability appraisal reports are available to read with the consultation documentation.
- 1.18 The consultation closes on 15th February 2010. The rest of this report considers the draft NPS's most relevant to Lancaster District. Members may be aware that the Government has held consultation events in Lancaster District on EN6 which is concerned with Nuclear Power Generation and, amongst other things, proposes the allocation of a site at Heysham for Nuclear Power Generation.

National Policy Statement EN1 - Energy

- 1.19 The starting point for the NPG on Energy is the Government's target to reduce CO2 emissions to 80% of their 1990 levels by the year 2050. At the same time there is a need to maintain security of supply in the light of increased reliance on diminishing oil and gas reserves and the need for major investment in power stations and other infrastructure. It states that;
- Demand for electricity in 2020 is likely to be at or above current levels (around 60 GW). Additional electricity generating infrastructure will also be needed to ensure adequate supplies because of the changes in the nature of generating capacity. Specifically around 43 GW net of new capacity will be needed by 2020 and about 60 GW by 2025;
 - around 30% of electricity generation will be from renewable sources by 2020 primarily from large amounts of onshore and offshore wind generation;
 - The Government expects that a significant proportion of remaining the 25 GW will in practice be filled by nuclear power;
- 1.20 The NPS contains the strong statement that consent should normally be given for development which is in line with this (the overarching) NPS and the other (subject specific) NPSs. The consideration of alternative sites should have regard to the urgency of the need, the realistic prospects of alternative sites delivering the infrastructure and the possibility that all suitable sites may be needed. Alternative proposals which are not commercially viable or physically suitable, or vague or inchoate may be excluded. Where third parties put forward alternatives, they may be required to provide the evidence for to support them and the IPC should not necessarily expect the applicant to have assessed them.
- 1.21 Key considerations for all major new energy development which will be considered by the IPC include;
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| <ul style="list-style-type: none"> • Good design • Sustainability • The scope for Combined Heat and Power • Carbon capture readiness; • Climate change adaptability including extreme weather; • Means of connection to the National Grid; | <ul style="list-style-type: none"> • Safety – The IPC to be advised by the Health and Safety Executive. • Hazardous substances (advised by HSE); • Health; • Nuisance; • Security. • Air quality; • Biodiversity; • Aviation and Defence interests; |
|--|---|

- Coastal Change
- Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation;
- Flood Risk;
- Impact on the Historic Environment;
- Landscape and visual impact;
- Land-use, Green Infrastructure and Green Belt;
- Noise
- Socio-Economic factors
- Traffic and Transport
- Waste Management
- Water quality and water resources;

1.22 The overall principles set out in EN 1 are enlarged upon in specific NPSs dealing with, amongst other things, Fossil Fuels, Renewable Energy and Nuclear power. In all of these cases the specific EDS describe the technology involved, the key technical requirements and the issues to be considered by the IPC in determining applications. The most relevant NPSs are described below.

National Policy Statement EN2 – Fossil Fuels

1.23 This document is concerned primarily with the impacts of major coal fired generating stations. The key locational requirements for these are the availability of a very large site, good transport links, availability of suitable water resources and a suitable grid connection. The Government wishes to see new fossil fuel proposals have full regard to the potential for Combined Heat and Power. In relation to Carbon Capture The IPC should impose conditions on any consent, requiring developers to:

- retain control over sufficient additional space (whether on or near the site) for the carbon capture equipment;
- retain their ability to build carbon capture equipment on this space (whether on or near the site) in the future; and
- submit update reports on the technical aspects of its CCR status to the Secretary of State for DECC. These reports should be required within 3 months of the date on which a consented station first begins to supply electricity to the grid and every two years thereafter until the plant moves to retrofit CCS.

1.24 The NPS also contains specific guidance on managing impacts of fossil fuel stations on

- Air Emissions;
- Landscape and Visual;
- Noise;
- Release of Dust by Coal-fired Generating Stations;
- Residue Management for Coal-fired Generating Stations; and
- Water Quality and Resources.

EN3 – Renewable Energy

- 1.25 EN3 deals with major renewable energy proposals including biomass and on and offshore wind generation.

Biomass

- 1.26 Biomass stations use waste (possibly including non-renewable sources of waste) as a fuel. Fuels include forestry waste, biomass from agricultural crops, whether grown specifically for fuel or waste products such as straw and biodegradable waste such as sewage sludge, animal manure and food waste. There are many different technologies but most stations are likely to consist of a combustion and generation unit with a chimney and buildings for fuel reception. Key factors in locating biomass stations include the feasibility of exporting the power to the grid, the need to accommodate considerable transport movements and the scope to incorporate Combined Heat and Power. Biomass plants of more than 300 mW will be required to be capable of accommodating carbon capture.
- 1.27 The key assessment criteria include impacts on national designations (Sites of Special Scientific Interest, National Nature Reserves, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Scheduled Monuments, Conservation Areas, Listed Buildings, Registered Historic Battlefields and Registered Parks and Gardens). There is also a presumption against biomass stations in the Green Belt except in very special circumstances. The NPG states that the IPC should not use a sequential approach favouring previously developed land for renewable technology development. Other criteria include air quality impacts, landscape and visual impacts, impacts on local and regional waste management including impact on local and regional waste management targets and the management of residues.

Offshore Wind Generation

- 1.28 The sea bed and rights to use its resources are owned by the crown. The Crown Estate issues leases for offshore wind farms. Key locational issues for offshore wind generation are water depth and bathymetry (underwater topography), geology for foundations, connections to the Grid and interactions with other offshore infrastructure and activities such as oil and gas. Flexibility is important for offshore wind as details of siting, turbine height and cable routing may not be known at the time an application is made.
- 1.29 Key assessment criteria include impacts on national designations, biodiversity including impacts on the sea bed, the intertidal zone, marine mammals, birds and fish, impact on commercial fisheries, impact on marine archaeology, impact on navigation and shipping, impacts on oil and gas infrastructure, impacts on the physical environment such as water quality, waves and tides, sedimentation, scouring and seabed erosion, seascape and visual impacts.

Onshore Wind

- 1.30 The PPS notes that onshore wind farms are the most established, large-scale source of renewable energy in the UK and will continue to play an important role in meeting renewable energy targets. It notes that onshore wind farm proposals are currently likely to involve turbines from around 2 megawatts (MW) of generating capacity and currently range up to 3.5MW, but as technology develops, this could increase.

1.31 Key factors influencing the location of onshore wind farms are;

- **Predicted wind speed** - Wind speed increases with height above ground level and the amount of electricity generated increases disproportionately with increases in the wind speed. This in turn affects the carbon emission savings and the commercial viability of the site.
- **Proximity to dwellings** - Commercial scale wind turbines are 100m-130m high and larger machines may be developed. All wind turbines generate sound during their operation and appropriate distances should be maintained to protect residential amenity.
- **Site capacity** – to be efficient, the turbines must be spaced from one another normally by 6 rotor diameters to the prevailing wind and 4 rotor diameters perpendicular to it.
- **Grid connections** - The capacity of the local grid network to accept the likely output from a proposed wind farm is critical to the technical feasibility of a development. The connection voltage and the distance from the wind farm to the existing network can have a significant effect on the commercial feasibility of a development proposal.
- **Access** – particularly for construction and in particular the delivery of turbine components in rural areas.

1.32 In considering wind farm proposals, the IPC will take the following into account;

- **Technical considerations** including the layout of access tracks, siting flexibility the project lifetime and arrangements for decommissioning. (a 25 year lifespan is typical);
- In sites with **nationally recognised designations** (Sites of Special Scientific Interest, National Nature Reserves, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Scheduled Monuments, Conservation Areas, Listed Buildings, Registered Historic Battlefields and Registered Parks and Gardens) consent for renewable energy projects should only be granted
where it can be demonstrated that **the objectives of designation of the area will not be compromised by the development**, and
any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits.
- In the **green belt**, many renewable energy projects will comprise inappropriate development. Developers will need to demonstrate very special circumstances that clearly outweigh any harm.
- **Biodiversity** including the risk of bat and bird strikes and impacts on peat and the effectiveness of measures to mitigate impacts including the impacts of construction and associated infrastructure and arrangements where appropriate for the future monitoring of biodiversity impacts;
- Impacts on the **historic environment** and archaeology;
- **Visual impacts** - there will always be significant landscape and visual effects from construction and operation for a number of kilometres around a site. The arrangement of wind turbines should be carefully designed within a site to minimise effects on the landscape.

- **Noise** – The NPS requires the IPC to assess noise in accordance with limits set out in the report, 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97).
- **Shadow Flicker** - The effect on a building when the shadow of the rotating blades falls over the dwelling causing the light intensity within rooms to fluctuate. This normally occurs within 10 rotor diameters. The IPC should be satisfied that shadow flicker is effectively controlled.
- **Traffic and Transport** – including routes for construction traffic, the suitability of local roads and bridges to accommodate the size and weight of turbine components, and the scope for co-operation where there are multiple developments.

National Policy Statement EN6 – Nuclear Power Generation

- 1.33 This is the most directly relevant NPS as it identifies land adjacent to Heysham Power Station as one of ten sites suitable for new nuclear power generation. A plan of the identified site is attached as Appendix 1. The details of this are considered later.

The need for Nuclear Power

- 1.34 According to the NPS, Nuclear power has the following advantages;
- Nuclear power is **low carbon**. - The White Paper on Nuclear Power concluded that the lifecycle CO₂ emissions from nuclear power were similar to wind power and much less than fossil fuelled plants.
 - Nuclear power contributes to **energy security** by ensuring a **diverse mix** of technology and fuel sources, increasing the resilience of the energy system, reducing exposure to the risks of supply interruptions and sudden and large spikes in electricity prices. It has very different characteristics from fossil fuel or renewables. The presence of nuclear power in the mix allows extra scope in managing risks to energy security. The International Energy Authority (IEA) has concluded that there are adequate uranium resources to supply the expected global expansion of nuclear power. The supply chains for nuclear fuel, gas and coal are not interdependent. An interruption in the supply of gas or coal is unlikely to affect the supply of uranium. Fluctuations of fuel prices do not significantly affect the cost of electricity.
 - Nuclear power is **proven technology** that can be deployed on a large scale. This is important because energy companies will seek to minimise long term business risk by investing in technologies which have been proven to be reliable and capable of generating sufficient returns.
- 1.35 For these reasons, the Government believes that in the interests of decarbonising the power sector as soon as possible....
- it is in the public interest for sites that can have new nuclear power stations constructed on them significantly earlier than 2025 to make a contribution in displacing CO₂ as soon as possible
 - All ten sites in this NPS are needed.
 - The IPC should start its examination of development consent applications for new nuclear power stations on the basis that need has been demonstrated and should, give this need, and the benefits of meeting it, substantial weight in determining the applications.

The Strategic Sites Assessment and the Consideration of Alternatives

- 1.36 The Government has already carried out a Strategic Sites Assessment (SSA) which produced the list of 10 sites of which Heysham is one. The NPS only relates to proposals on the identified sites. Proposals for nuclear stations on unallocated sites will not be considered by the IPC. Part 5 of the NPS explains how the sites were chosen in depth.
- 1.37 Where an alternative site is put forward as part of the process, It is Government policy that a development consent application or alternative proposal for a site not listed in this draft NPS would need to demonstrate that the site is suitable for the deployment of a new nuclear power station by the end of 2025 and that it has met the criteria set out SSA criteria.

Consideration of Combined Heat and Power (CHP)

- 1.38 The Government requires applications for thermal generating stations to either include CHP or contain evidence that the possibilities for CHP have been fully explored. The potential for delivering CHP from a nuclear power station is constrained by the need to minimise the radiological consequences to the public in the unlikely event of a serious nuclear accident. In keeping with applications for other thermal generating stations, evidence should be presented to the IPC that demonstrates the applicant has fully considered the opportunities for CHP. However when considering a development consent application for a new nuclear power station, the IPC should note that the presumption is that CHP opportunities will be limited.

Climate change adaptation

- 1.39 The 2008 Planning Act requires the Secretary of State to have regard to the desirability of mitigating, and adapting to, climate change. New nuclear power stations are long-term investments which will remain operational for many decades. Applicants must consider the effects of climate change on the planning, design, operation and decommissioning of the station.
- 1.40 As the sites listed in the NPS are all either coastal or estuarine, applicants should in particular set out how they would take account of climate change adaptation measures in response to;
- coastal erosion and increased risk from storm surge and rising sea levels;
 - effects of higher temperatures, including higher temperatures of cooling water;
 - increased risk of drought leading to a lack of available cooling water.

Waste Management

- 1.41 Having considered the waste issue, the Government is satisfied that effective arrangements will exist to manage and dispose of the waste that will be produced from new nuclear power stations. As a result the IPC need not consider this question. Issues such as the availability of sites, the achievability of the technology and arrangements for interim storage are considered in depth in Paras 3.8.6-3.8.22 of the NPS.

Safety

- 1.42 The IPC is also required to make its decisions on the assumption that the relevant licensing and permitting regimes will be properly applied and enforced. It is not required to consider matters that are within the remit of the nuclear regulators. In

addition, it should not delay a decision on whether to grant consent until completion of the licensing or permitting process.

Key Issues for Consideration in Determining Applications

- 1.43 The Government identifies the following issues as nuclear specific impacts for consideration by the IPC.
- **flood risk** (including tsunami and storm surge) applicants should identify the potential effects of the credible maximum scenario in the most recent projections of marine and coastal flooding. The applicants must then be able to demonstrate that they could achieve where necessary future measures for adaptation and flood management at the site. Where possible, safety and operational critical installations should be sited in the areas at least risk of flooding.
 - Effects on **water resources** including coastal processes, hydrodynamics and sediment transport and the thermal impact of cooling water discharges.
 - The impact of new coastal and river defences, jetties and docks on **coastal processes**, such as erosion and accretion (build-up), submerged banks and marine ecology;
 - Implications for **biodiversity** resulting from water discharge, abstraction and quality issues, habitat (and species) loss and fragmentation, disturbance due to noise light and visual intrusion and air quality.
 - Landscape and **visual impacts**;
 - **Socio-economic impacts** including the impact of an influx of workers on local population dynamics, job opportunities, labour shortages in the local construction industry;
 - Impact on **human health** including risks associated with radiation release in the event of an incident associated with construction, operation or decommissioning.

Locally Specific Issues

- 1.44 Locally specific issues which will require specific consideration include;
- **Proximity to civil and military aircraft movements** given the specific security arrangements in relation to air movements around nuclear sites, and the potential impact that new nuclear power stations may have on existing aerodromes;
 - **Access to Transmission Networks**;
 - **Impact on Locally Significant Infrastructure and Resources** including motorways and major highways, the strategic rail network, gas and electricity networks, ports, airports and water source protection zones.
 - **Emergency Planning** including ensuring that members of the public are properly informed and prepared, in advance, about what to do in emergency, communication if a radiation emergency actually occurs and an up to date assessment of evacuation routes.
 - **Demographics**; The population characteristics of the proposed site and specific details of the reactor design in order to establish the acceptability of the risks posed by the proposed nuclear power station to the local population and constraints on residential, industrial and commercial development around the site.

The Heysham Site

- 1.45 The NPS identifies a 115 ha site adjacent to the existing Heysham Power Station which includes land within the existing power station boundary, Heysham Golf Course and Ocean Edge Caravan Park. A grid connection agreement is in place with National Grid which will come on stream in the year 2022 and the degree of knowledge of the existing stations means that it is the Government's view that deployment by the year 2025 is credible.

NPS on Ports

- 1.46 Government policy on Ports is to encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters cost effectively and in a timely manner. It seeks to allow judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment; and ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations.
- 1.47 In addition, in order to help meet the requirements of the Government's policies on sustainable development, new port infrastructure should also:
- preserve, protect and where possible improve marine and terrestrial biodiversity;
 - minimise emissions of greenhouse gases from port related development;
 - be well designed, functionally and environmentally;
 - be adapted to the impacts of climate change;
 - minimise use of greenfield land;
 - contribute to local/regional employment, regeneration and development;
 - ensure competition and security of supply;
 - provide high standards of protection for the natural environment;
 - ensure that access to and condition of heritage assets are maintained and improved where necessary;
 - and enhance access to ports and the jobs, services and social networks they create, including for the most disadvantaged.
- 1.48 At the same time, the Government wishes to see port development wherever possible:
- supporting sustainable transport by offering more efficient transport links with lower environmental disbenefits;
 - providing a basis for trans-modal shifts from road transport to shipping and rail, which are generally more sustainable;
 - supporting sustainable development by providing additional capacity for the development of renewable energy; and
 - supporting economic and social cohesion.
- 1.49 The NPS states that demand for new port facilities is likely to continue to grow. In considering proposals for new port development, the IPC will need to balance the

benefits – environmental, social and economic – including national, regional and longer term benefits against adverse impacts including multiple and cumulative impacts of projects, and the decision maker must take these into account in reaching the decision. The precise nature of the impact will, however, vary depending on a number of factors including matters such as, for example, the type of infrastructure, the specific location of the proposed project, heritage assets and the local geology or biodiversity.

1.50 The PPS contains a variety of detailed criteria for the assessment of major Port expansion proposals.

2.0 Proposal Details

2.1 On the whole, the suite of documents represent a comprehensive body of policies which set out the key considerations in determining proposals for major development. The Government has raised a number of consultation questions and suggested responses to these are set out in Appendix 1. Key concerns are;

- the approach to new fossil fuel capacity which requires permissions for new coal fired stations to be capable of being fitted with carbon capture and storage in the future;
- The need for additional guidance on tidal energy;

2.2 As noted above, although the IPC and/or the Secretary of State will be the decision maker, Local Planning Authorities will have a significant role in the process. These include;

- Making representations on the applicant's Statement of Community Consultation;
- Advising the IPC on the adequacy of community consultation measures undertaken;
- Local Impact Report setting out the impacts of the proposal in the area;
- Participating in the examination – as a key participant;
- Following approval – having responsibility for any necessary planning enforcement.
- Formulating planning policy through the Local Development Framework which will need to deal with downstream effects.
- Dealing with non-IPC planning applications affecting the site.

2.3 Once the new provisions are finalised, consideration will need to be given as to the internal processes by which these new responsibilities are discharged and whether changes are necessary to the Council's scheme of delegation.

2.4 NPS 6, if published in its current form, will identify 115 ha in Heysham for Nuclear Power Generation. Any proposals for new generating stations within this area will be brought forward by an electricity company who will submit an application for Development Consent to the IPC who will determine the application in accordance with the NPS.

2.5 As noted above, if, NPS 6 is adopted, **and** an operator makes an application to build it **and** that application is approved **and** implemented, there will be

- significant installed non-CO2 emitting energy capacity;
- significant local and regional employment in construction, operation and decommissioning as well as upskilling of the local labour force, opportunities for

skilled workers following decommissioning of existing stations, associated employment elsewhere in the local economy.

- 2.6 NPS 6 does not allow waste disposal issues to be taken into consideration and assumes that the design and operation of any new plant will be competently regulated by will be regulated by the the Environment Agency (EA), the Nuclear Installations Inspectorate (NII) and the Office for Civil Nuclear Security (OCNS)..
- 2.7 If NPS 6 is adopted, it will raise issues such as if how and whether the site is to be identified for purposes such as local searches and the LDF Proposals Map. As noted above, the site incorporates existing uses such as Heysham Golf Club and the Ocean Edge Caravan site. Another important issue is how development proposals which might prejudice electricity generation development should be treated by the Local Planning Authority. There is no guidance on these issues at the present time.

3.0 Details of Consultation

- 3.1 As noted above, the Government is carrying out formal consultation on the draft NPSs. Consultation on the Energy Related NPSs is being carried out by the Department for Energy and Climate Change. Consultation on the Port NPS is being carried out by the Department of Transport.
- 3.2 The following links give access to the consultation documents including sustainability appraisal reports and also contains details of consultation measures being undertaken;
- [Overarching Energy NPS Policy EN1;](#)
 - [EN 2-5, Fossil Fuels, Renewables and Gas and Oil Networks;](#)
 - [EN 6 Nuclear Power Generation](#)
 - [Ports NPS](#)
- 3.3 The consultation closes on 15th February 2010. Members may be aware that in November the Government held consultation events in Lancaster District on EN6 which is concerned with Nuclear Power Generation and, amongst other things, proposes the allocation of a site at Heysham for Nuclear Power Generation.

4.0 Options and Options Analysis (including risk assessment)

OPTION 1 – DO NOT RESPOND

- 4.1 If the Council makes no response to the consultation, the views of a Local Authority which is potentially affected by major infrastructure proposals and contains an identified site for new nuclear generating capacity will not be taken into account in formulating national policy.

OPTION 2 - RESPOND WITH THE COMMENTS SET OUT IN APPENDIX 1

- 4.2 The response set out in Appendix 1 sets out the key technical issues associated with the suite of NPSs and is considered to be reasonable.

OPTION 3 - MAKE A DIFFERENT OR ADDITIONAL RESPONSE

- 4.3 Members may choose to take a corporate view on the balance between the positive and negative impacts of the Draft National Policy Statements.

OPTION 4 – MEMBERS DIFFERENT GROUPS WITHIN THE COUNCIL TO RESPOND INDIVIDUALLY

- 4.4 It is acknowledged that this is a highly controversial issue on which different groupings on the Council and different members may have very different but sincerely held views and concerns. The option exists for members or groups to respond individually.

OPTIONS APPRAISAL

- 4.5 If the Council chooses not to respond, its views will not be taken into account in the formulation of the final National Planning Policy Guidance documents. Comments will carry greater weight as a single corporate view. The response set out in Appendix 1 seeks to recognise benefits whilst articulating reasonable concerns and is considered to be an appropriate response.

5.0 Conclusion

- 4.6 The provisions set out in this report will have a major impact on planning for nationally significant infrastructure in this Country. They bring in new procedures which, if they function as intended, will significantly accelerate decision making processes for major projects. Lancaster District contains significant existing infrastructure of national importance including electricity generation, ports, national road and rail networks and gas, electricity and water distribution networks. The new regime set out in this report will have a significant impact on the way in which changes to these are planned and implemented.
- 4.7 As noted above, although the IPC and/or the Secretary of State will be the decision maker, Local Planning Authorities will have a significant role in the process. These include
- Making representations on the applicant's Statement of Community Consultation;
 - Advising the IPC on the adequacy of community consultation measures undertaken;
 - Local Impact Report setting out the impacts of the proposal in the area;
 - Participating in the examination – as a key participant;
 - Following approval – having responsibility for any necessary planning enforcement.
- 4.8 Once the new provisions are finalised, consideration will need to be given as to the internal processes by which these new responsibilities are discharged and whether changes are necessary to the Council's scheme of delegation.
- 4.9 The responses set out in Appendix 2 set out an appropriate response to the consultation.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

This is a consultation response and, as such, has no impact on the Council or the District in itself. If the NPSs are adopted and the system functions as planned, the principal impacts will be on the timing of the implementation of new infrastructure projects. The draft NPS requires the consideration of issues such as equality and diversity, community safety and sustainability through the sustainability appraisal process and the consideration of major infrastructure projects by the IPC.

The new processes will have an impact on the Council in terms of advising applicants on consultation, preparing impact statements on new infrastructure proposals and participation in examinations.

FINANCIAL IMPLICATIONS

Responding to the Government consultation has no financial implications in itself. The financial and organisational impact of the new arrangements for infrastructure planning are unknown at this stage. Requirements for advising applicants on consultation, preparing impact statements on new infrastructure proposals and participation in examinations are unclear but the new system may pose additional requirements on the Council. These will be the subject of a future report

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments

LEGAL IMPLICATIONS

The report is a suggested response to a Government consultation on national planning policy and has no significant legal implications in itself. If the consultation documents are formally adopted however, the identification of sites for nuclear generation in an adopted NPG may have implications for the LDF proposals map, for hazards mapping and for local searches. These are aspects on which clarification is being sought through the recommended consultation response.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments

BACKGROUND PAPERS

Planning Act 2008 HMSO (Nov 2008)
Infrastructure Planning Commission
Guide to its Role and Operation
(Working Draft – October 2009) IPC (Oct 2009)

Draft Overarching Energy National Policy
Statement (EN-1) DECC (Nov 2009)
Draft National Policy Statement for Fossil Fuel
Electricity Generating Infrastructure (EN-2) DECC
(Nov 2009)

Draft National Policy Statement for
Renewable Energy (EN-3) DECC (Nov 2009)
Draft National Policy Statement for
Nuclear Power Generation (EN-6) DECC (Nov
2009)

draft Ports National Policy Statement DFT (Nov
2009)

Appraisal of Sustainability:
Site Report for Heysham

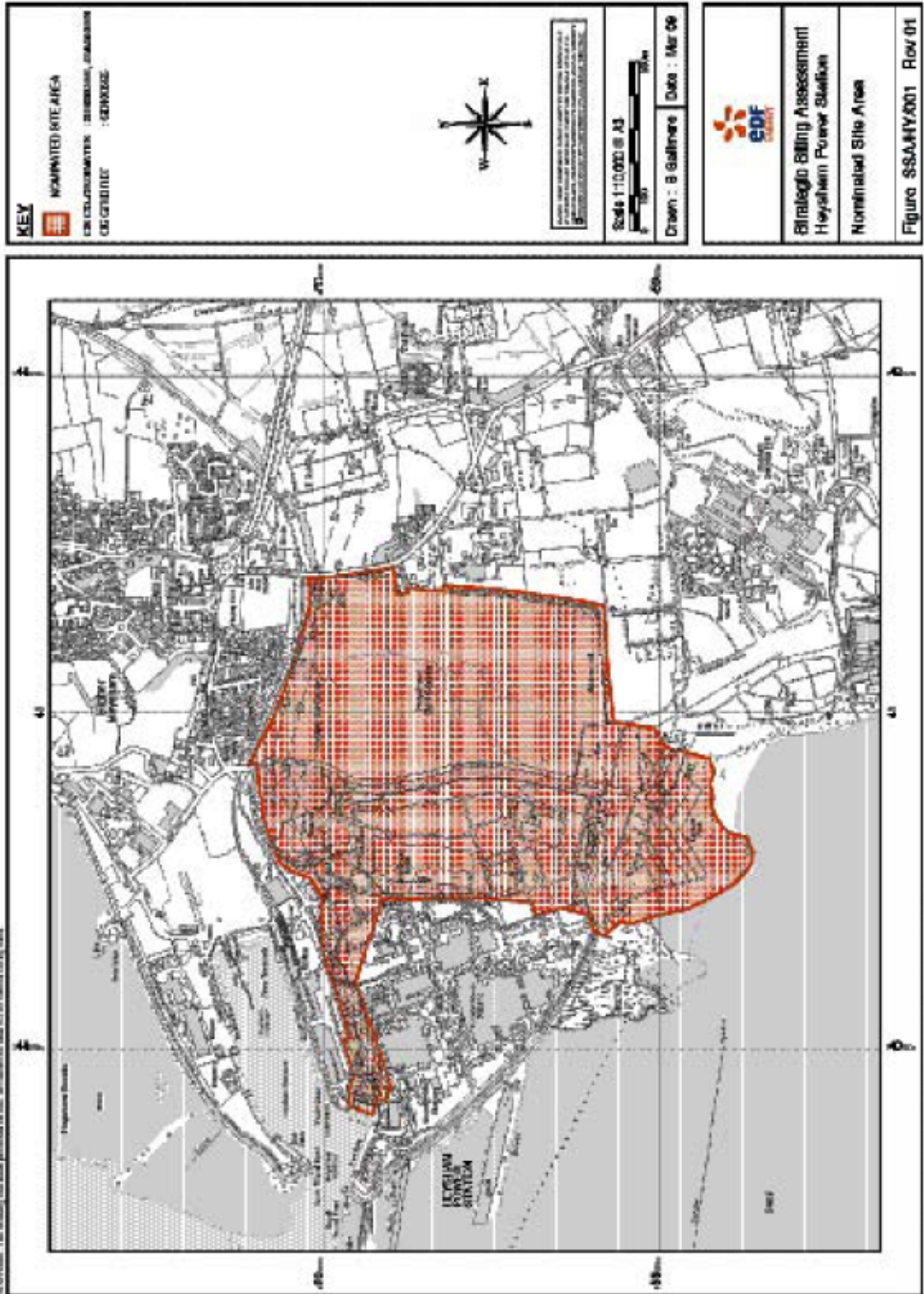
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Ref:

APPENDIX 1 – PROPOSED SITE



APPENDIX 2

GOVERNMENT CONSULTATION QUESTIONS AND SUGGESTED RESPONSE

1. Do you think that the Government should formally approve ('designate') the draft Overarching Energy National Policy Statement?

Whilst there are some questionable aspects of the NPS, such as the limited consideration of demand management, the uncertainty over carbon capture and storage technology and the strong balance of weight in the decision making process in favour of the applicant, the NPS overall is a welcome clear statement of Government energy policy, which recognises the urgency of tackling climate change and energy security, the importance of a diverse energy mix and a comprehensive and demanding list of issues which need to be taken into account by renewable energy proposals.

The requirement for new generation capacity to examine the scope for Combined Heat and Power is particularly important.

Thus subject to more demanding requirements on carbon sequestration for new coal stations and assurance that the potential of demand management has been fully explored, it is considered that the draft NPS should be approved.

2. Does the draft Overarching Energy National Policy Statement provide the Infrastructure Planning Commission with the information it needs to reach a decision on whether or not to grant development consent?

YES

As noted above, the NPS, together with the subject specific NPSs, provides a clear statement of direction and a comprehensive list of issues. It retains sufficient flexibility for issues to be debated meaningfully based on the specifics of the proposal.

3. Does the draft Overarching Energy National Policy Statement provide suitable information to the Infrastructure Planning Commission on the Government's energy and climate policy?

YES

The proposed future balance of electricity generation and the role and potential of different technologies is set out.

4. Does the draft Overarching Energy National Policy Statement provide suitable direction to the Infrastructure Planning Commission on the need and urgency for new energy infrastructure?

YES

The NPS gives strong emphasis to the urgency of addressing energy policy including Climate Change and energy security issues.

5. Do the assessment principles in the draft Overarching Energy National Policy Statement provide suitable direction to the Infrastructure Planning Commission to inform its decision-making?

YES

The list of considerations is comprehensive.

6. Does the draft Overarching Energy National Policy Statement appropriately cover the generic impacts of new energy infrastructure and potential options to mitigate those impacts?

YES

The list of mitigation measures is comprehensive and pitched at a reasonable level. Detailed mitigation measures will depend strongly on the specifics of the site and proposal and there are dangers in an over-prescriptive approach.

7. Do you have any comments on any aspect of the draft Overarching Energy National Policy Statement not covered by the previous questions?

YES

There are concerns in relation to the overall analysis of need, that the potential to manage demand through improved insulation, micro-generation, more efficient appliances etc is not as fully explored as might be.

The commitment to requiring consideration of combined heat and power is to be welcomed. The key barrier is the high capital cost of the pipes which will require significant resources. There is no commitment to a large scale rollout of CHP which could have a significant impact on both CO2 emissions and energy needs.

8. Do you think that the Government should formally approve ('designate'):

a. The draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

NO

There is a strong concern that if controlling CO2 emissions is to be the dominant influence on energy policy, new fossil fuel stations should be CCS fitted not just CCS ready.

b. The draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

YES

The NPS provides strong support for renewable energy whilst retaining protection for nationally protected sites such as National Parks, AONB and nationally and internationally important nature conservation sites.

c. The draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

NO VIEW

d. The draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

NO VIEW

9. Do the following draft National Policy Statements provide the Infrastructure Planning Commission with the information it needs to reach a decision on whether or not to grant development consent:

a. The draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

NO – Requirements on Carbon Capture and Storage are weak.

b. The draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

NO – No consideration of tidal or hydro generation;

c. The draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

NO VIEW

d. The draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

NO VIEW

10. Do the following draft National Policy Statements appropriately cover the impacts of the specific types of new energy infrastructure covered in them, and potential options to mitigate those impacts:

a. The draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

NO – Treatment of CO2 emissions is inadequate – see above.

b. The draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

YES – Appropriate balance between safeguarding Nationally Protected areas and meeting energy generation needs.

- c. The draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?**

NO VIEW

- d. The draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?**

NO VIEW

11. Do you have any comments on any aspect of the following draft National Policy Statements not covered by the previous questions:

- a. The draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?**

None

- b. The draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?**

Would be useful for planning at a lower level, if the opportunity were taken to clarify whether biomass generation constituted a waste treatment use (and therefore a County Matter). The current distinction based on fuel source is a serious ambiguity at present and creates delays and inflexibility.

- c. The draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?**

- d. The draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?**

To respond to this question please go to **How to respond**

12. Do you agree with the findings from the following Appraisal of Sustainability reports:

- e. Appraisal of Sustainability report for the draft Overarching Energy National Policy Statement (EN-1)?**

NO

Whilst the SA objectives are sound, the scoping of the appraisal is limited to the comparison of existing and proposed consent arrangements. Matters such as the overall energy mix are scoped out meaning that the SA does not consider the wider sustainability impacts of energy policy choices.

- f. Appraisal of Sustainability report for the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?**

NO

Because of the restricted scope of the SA, it identifies impacts on CO₂ as uncertain whilst placing a high degree of reliance on Carbon Capture and Storage. New coal stations without CCS will inevitably be major CO₂ emissions sources.

Appraisal of Sustainability report for the draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

YES

The SA identifies the key impacts of new renewable capacity including major positive impacts on CO2 emissions, resource use and economic development through the development of environmental technologies.

g. Appraisal of Sustainability report for the draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

NO VIEW

h. Appraisal of Sustainability report for the draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

NO VIEW

13. Do you think that any findings from the following Appraisal of Sustainability reports have not been taken account of properly in the relevant draft National Policy Statements:

i. Appraisal of Sustainability report for the draft Overarching Energy National Policy Statement (EN-1)?

NO – Concerns raised in the SA about landscape impacts other than in protected areas are not addressed.

j. Appraisal of Sustainability report for the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

YES – Key areas raised in SA are taken into account.

k. Appraisal of Sustainability report for the draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

YES – Key areas raised in SA are taken into account. There is a future undertaking to prepare a further NPS on tidal generation although no timescale is set.

l. Appraisal of Sustainability report for the draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

NO VIEW

m. Appraisal of Sustainability report for the draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

NO VIEW

14. Do you have any comments on any aspect of the following Appraisal of Sustainability reports not covered by the previous questions:

n. Appraisal of Sustainability report for the draft Overarching Energy National Policy Statement (EN-1)?

None

o. Appraisal of Sustainability report for the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

None

p. Appraisal of Sustainability report for the draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

None

q. Appraisal of Sustainability report for the draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

None

r. Appraisal of Sustainability report for the draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

None

15. Do you have any comments on the Habitats Regulations Assessment reports for the following draft National Policy Statements:

s. Habitats Regulations Assessment report for the draft Overarching Energy National Policy Statement (EN-1)?

None

Habitats Regulations Assessment report for the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

None

t. Habitats Regulations Assessment report for the draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

None

u. Habitats Regulations Assessment report for the draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

None

v. Habitats Regulations Assessment report for the draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

None

16. Do you think that the Government should formally approve ('designate') the draft Nuclear National Policy Statement?

The effect of the formal approval will effectively be to identify a site for nuclear energy in South Heysham. This effectively means that if at a future point, an application is made to the IPC for a new power station, there is a strong likelihood that it will be approved provided that the detailed criteria are met.

The Sustainability Appraisal concludes that construction of a new nuclear power station is likely to bring significant benefits in terms of employment, the economy and communities at the local level and that it would have positive effects on Climate Change.

In relation to health the rigorous system of regulation of routine discharges from the proposed nuclear power station at Heysham should ensure that there are no unacceptable risks to the health of the local population when the plant is operating normally but that there is also a very small risk of adverse health impacts arising from an accidental release of radiation but the multiple safety features within modern nuclear plants makes such an event exceedingly unlikely.

If the SA conclusions are accepted, then strong economic and sustainability benefits need to be weighed against a small risk.

17. Does the draft Nuclear National Policy Statement provide the Infrastructure Planning Commission with the information it needs to reach a decision on whether or not to grant development consent?

The NPS provides a comprehensive framework of issues to be considered in relation to new nuclear stations. It does however explicitly exclude the IPC from considering the question of management and disposal of nuclear waste. The NPS states that the Government is satisfied that effective arrangements will exist to manage and dispose of the waste that will be produced from new nuclear power stations.

The IPC is also required to make its decisions on the assumption that

- the relevant licensing and permitting regimes will be properly applied and enforced;
- it does not need to consider matters that are within the remit of the nuclear regulators; and that
- it should not delay a decision on whether to grant consent until completion of the licensing or permitting process.

18. Does the draft Nuclear National Policy Statement provide suitable direction to the Infrastructure Planning Commission on the need and urgency for new nuclear power stations?

YES

The NPS makes a strong case for new nuclear generation being needed on sustainability and energy security grounds.

19. Do you agree with the Government's preliminary conclusion that effective arrangements will exist to manage and dispose of the waste that will be produced by new nuclear power stations in the UK?

This question requires specialised knowledge to answer meaningfully.

20. Does the draft Nuclear National Policy Statement appropriately cover the impacts of new nuclear power stations and potential options to mitigate those impacts?

See answers to 17

21. Do you agree with the Government's preliminary conclusion on the potential suitability of sites nominated into the Strategic Siting Assessment, as set out below? You can respond in general terms on the assessment as a whole, or against one or more specific sites....

Heysham

The assessment of suitability is reasonable in terms of the parameters set by the NPS. With the exception of waste disposal and issues which the Government sees as being the responsibility of UKAEA, it provides for the key impacts to be robustly assessed through the Development Consent process.

Other Sites

No view

23. Do you agree with the findings from the Appraisal of Sustainability reports for the draft Nuclear National Policy Statement?

Question requires specialist knowledge to respond to meaningfully

24. Do you think that any findings from the Appraisal of Sustainability reports for the draft Nuclear National Policy Statement have not been taken account of properly in the draft Nuclear National Policy Statement?

Question requires specialist knowledge to respond to meaningfully

25. Do you have any comments on the Habitats Regulations Assessment reports for the draft Nuclear National Policy Statement?

Yes – Morecambe Bay is a Natura 2000 site and impacts will require very careful scrutiny.

26. Do you have any comments on any aspect of the draft Nuclear National Policy Statement or its associated documents not covered by the previous questions?

No

27. Do you have any comments on the Impact Assessment report for the draft energy National Policy Statements?

NO

A number of key questions for Local Authorities are not addressed.

- i) Is the identification of a site by the NPS equivalent to a formal allocation in the Development Plan;
- ii) Should it be identified on the LDF Proposals Map;
- iii) How is it to be addressed for the purposes of Local Searches;
- iv) How is the issue of blight to be treated;
- v) How does the Local Planning Authority respond to development proposals within the identified area which might prejudice the implementation of a power station?

28. Does this package of draft energy National Policy Statements provide a useful reference for those wishing to engage in the process for development consent for nationally significant energy infrastructure, particularly for applicants?

NO

The role of applicants and the IPC is clear. There is however little guidance for third parties on how to engage in the process and a number of important questions on the role of local authorities are not answered (see above).