nuleaf
nuclear legacy
advisory forum

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Dear Sir or Madam,

A National Policy Statement for new nuclear power generation – Draft for Consultation

1. Introduction

This paper sets out Nuleaf's response to the above consultation. It was submitted via Citizenspace.

2. Response to the consultation questions

Question 1: *EN-6 applies only to GW scale projects. In this consultation we propose EN-7 applies to GW scale projects, and in addition SMRs and AMRs. What is your view on the government proposal to expand the range of technologies covered by the new nuclear NPS?*

Please indicate the extent to which you agree or disagree with the question and provide any further comments.

Strongly agree

The UK Government's Energy Security Strategy and Civil Nuclear Roadmap, and the defined role of Great British Nuclear (GBN) envisages the development of Small Modular Reactors (SMRs) as well as Gigawatt (GW) scale power station. The energy mix may also include Advanced Modular

Reactors (AMRs) in future. It is therefore entirely logical for the new EN-7 to cover the spectrum of technologies from micro to large scale.

We note that fusion reactors will be covered by a separate NPS (3.2.5). We agree this is appropriate.

Question 2: *EN-6 includes government assessed potential sites. In this consultation we propose EN-7 empowers developers to assess and identify potential sites using robust criteria. What is your view on the government proposal to shift its nuclear siting policy to a criteria-based approach?*

Agree, but with reservations.

Nuleaf does not have a view as to whether any particular development should proceed, where it should be located, or what technology should be employed. However, we recognise that, for the Government's commitment to 24GW of new nuclear to be delivered, development of a significant number of sites, including those that will host smaller scale nuclear generation, will be required.

Our member local authorities cover all the sites designated under EN-6. These sites were allocated on the basis of a robust assessment against all relevant criteria. As the draft Policy Statement notes, these EN-6 sites 'retain inherent positive attributes' (3.2.8).

A focus on the sites designated under EN-6 is important to Nuleaf as a network that is concerned with decommissioning and legacy waste management. The future planned use of current Nuclear Licensed Sites (NLCs) is an important driver for their remediation. In many cases new nuclear development is the preferred next use.

The starting point for EN-7 should therefore be to retain those sites identified under EN-6 but to employ robust criteria to assess other sites that come forward. As the EN-6 sites have already been assessed as potentially suitable for GW scale technologies, it would seem unlikely that they are not potentially suitable for smaller scale and lower impact new build developments.

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Question 3: *EN-6 includes a time limit on deployment of new nuclear power stations. In this consultation we propose EN-7 is not time restricted to support long-term planning. What is your view on the government proposal to shift its nuclear siting policy to an unrestricted timeframe approach?*

Please indicate the extent to which you agree or disagree with the question and provide any further comments.

Strongly Agree

Experience has shown that setting artificial deadlines for the delivery of new nuclear has not worked. We therefore agree that it is sensible for the new nuclear siting policy to take an unrestricted approach on timeframes. This is particularly important in the context of the roll out of developing technologies where there may be unforeseen issues arising.

As set out in the response to Q2 above, there is a need to ensure that the new EN-7 does not introduce uncertainties with respect to the status of the existing EN-6 sites.

Question 4: *The NPS aims to deliver increased flexibility to diversify nuclear sites to help meet our Net Zero ambitions, while ensuring that siting of new nuclear power stations is appropriately constrained by appropriate criteria.*

To what extent do you agree that the key policy proposals outlined in this section (extending the NPS to new technologies, adopting a criteria-based approach to siting new developments, and by removing the deployment time limit to open up more siting) achieve these aims?

Agree

We agree but would note that these changes are only part of the picture. Particularly with developing technologies, these criteria must be continuously reviewed.

If the Government wishes to promote new nuclear, effective policy must sit alongside other measures, for example GBN securing access to sites and

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Government support for new nuclear technologies, as well as appropriate funding mechanisms.

While the commitment to ONR providing advice through the PINs process is welcome (3.2.11), the new NPS should include a specific requirement for project promoters to secure ONR advice at the earliest possible stage in the site selection process. By helping to ensure that unsuitable sites are screened out early, efficiencies would be gained and uncertainties for host communities reduced.

Appraisals of Sustainability and Habitats Regulations Assessments should be undertaken alongside early site screening, to ensure that wider sustainable development factors are taken into account at the start of the process.

Question 5: *Do you agree that legislation should be brought forward to include all nuclear fission projects within the NSIP regime in England, including reactors with a generating output of less than 50MW and reactors that only produce heat or synthetic fuels such as hydrogen?*

Please indicate the extent to which you agree or disagree with the question and provide any further comments.

Strongly Agree

Given the complexities of nuclear technologies of every scale, it is logical that all nuclear generation is subject to the same robust process of assessment, examination and determination under the NSIP process, rather than being determined locally. Indeed, it is likely that some of the smaller developments will be the most innovative or novel in terms of design. These include those that produce heat or synthetic fuels or hydrogen.

Given the public concerns that can arise in relation to nuclear development, particularly in areas that do not currently host such facilities, it is imperative that all aspects of new nuclear development are assessed against robust criteria as proposed for EN-6 and alongside continued rigorous safety and regulatory assessments.

Question 6: *Do you have any evidence or technical information regarding fission reactors which only produce heat or synthetic fuels that may be useful to help inform whether they should be included in the nuclear NPS beyond 2025?*

As noted in question 5, we believe that reactors producing heat or synthetic fuels should be included in the NPS beyond 2025. We do not have evidence or technical information on such reactors and will therefore not comment beyond our response to the previous question.

Question 7: *Do you agree that we have correctly identified the criteria that are impacted by our proposed key policy changes?*

Agree.

Question 8: *Do you agree that we have correctly identified that these criteria are embedded in EN-7, EN-1 and within wider guidance?*

Undecided

8a - Climate change resilience and adaptation

Our knowledge of the risks and likely impacts of climate change is evolving rapidly. The likely climate change risks that will impact on a nuclear power station, of any scale, go beyond flooding and coastal processes and also include factors such as the impact of extreme weather events on all aspects of the operation of a nuclear site. Another significant issue is the impact of water scarcity/drought on access to cooling water – this is a particular issue in non-coastal locations.

We would therefore want assurances that, whether in EN-7 or in EN-1 or other guidance, all appropriate climate impacts and adaptation requirements are fully addressed. The framework must be robust and build in any requirement for adaptive change to respond to unforeseen scenarios that may emerge in the future. In this it should be guided by the latest adaptation assessments of the Climate Change Committee as well as information from UK Climate Projections and the National Adaptation Programme and advice from regulators.

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Question 9: *Do you agree that we have correctly identified that these criteria do not require any significant development?*

Agree

We note that 4.3.6 suggests that flooding is considered at pre-application stage. Given that flood mitigation strategies and measures are critical to determining the appropriateness of siting, we agree with the suggested timing. Consideration of flood mitigation must be set within the wider context, for example the impacts of isostatic rebound or extreme 'black swan' rain events.

We suggest that the new EN-7 includes specific guidance on the timing for consideration of the potentially critical issues listed in Table 1, so that decisions can be made early on whether a proposed site is likely to be acceptable or not. This will lead to a more efficient process and greater certainty for communities and host Councils.

Question 10: *Do you agree with the approach we have proposed in regard to the other matters that were considered in EN-6 and will need considering in EN-7? Please indicate your levels of agreement with the position set out in the Consultation.*

Disagree

The proposed EN-7 approach is not clear with respect to the future designation of the EN-6 sites. We suggest that the situation must be clarified as to:

- Whether the EN-6 sites remain formally designated as potentially suitable for deployment of new nuclear power stations (of all scales).
- That the EN-6 designated sites have already been assessed against alternative sites, and therefore this is not required for new nuclear power generation proposals of any scale on these particular sites. Any other sites coming forward would of course be subject to a requirement to assess alternatives.

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As stated above, the EN-6 sites have already been subject to a robust appraisal of alternatives. These sites should be carried forward into EN-7 (for all scales of new nuclear), with no requirement for assessment of alternatives.

Radioactive waste management

Public safety must be paramount in considering any changes with respect to nuclear related development, including in respect of radioactive waste.

Under the new policy framework there is potential to have a larger number of smaller new nuclear facilities across the country in addition to GW scale stations, each with their other own onsite treatment and interim storage of spent fuel and intermediate waste. This could result in a highly dispersed estate of legacy assets remaining on site for long periods of time after end of generation. It is unclear if the impacts of this have been fully considered at this stage.

It is proposed that EN-7 will follow the approach taken in the already designated EN-6 but that this approach will now cover SMR and AMR technologies. In relation to AMR technologies, we note recent work by the UK Government's Committee on Radioactive Waste Management (CoRWM) which has highlighted a range of uncertainties and concerns about the waste legacy from some potential AMR technologies.

In their February 2024 Position Paper on **Development of SMR and AMRs – implications for the management of higher activity wastes and spent fuel**[1] the Committee state that *'there is little published material from the promoters and developers of new reactor types to demonstrate that they are devoting the necessary level of attention to the waste…arising from SMRs/AMRs'* and that *' it is not necessarily the case that all types of spent fuel and radioactive waste will be suitable for disposal in a geological disposal facility (GDF), at least without potentially difficult prior treatment processes.'*

A 24GW new nuclear programme incorporating a significant element of such technologies is likely to require a significantly larger GDF, or potentially the development of a second facility at a future stage. We believe that EN-7

[1] https://assets.publishing.service.gov.uk/media/65c26c9ca6838e000d49d589/corwm-smr-and-amr-position-paper.pdf

should recognise these issues and the additional challenges that they present to radioactive waste management.

Nuleaf also believes that Community Benefits should be provided for communities that host radioactive waste on behalf of the nation, whether in storage or disposal facilities.

Impacts of multiple reactors
We agree that EN-6 considers the cumulative effects of multiple reactors being proposed on one site, and that this assessment is relevant to smaller as well as larger technologies. It is suggested that the wording of EN-7 is carefully checked to ensure that it is relevant to all scales of development.

We again stress the importance of clarity in EN-7 in respect of the designated EN-6 sites. To provide certainty and ensure a streamlined process, it is important that EN-7 includes specific wording confirming that EN-6 sites remain designated as being potentially suitable for new nuclear development of all scales and including for single or multiple reactors.

Biodiversity Net Gain
EN-7 should include specific reference to the requirement to deliver Biodiversity Net Gain as a part of all new nuclear developments. It would be helpful if EN-7 could include reference to the appropriate legislative source for and guidance on this.

Question 11: *The 'Implementation' section describes how the new policy approach will be implemented. What are your views on the proposed model for implementation?*

Not enough Information

We welcome the commitment to community and stakeholder engagement in a criterion led approach to the siting of new nuclear developments of all scales, and strongly support the commitment to early engagement with local authorities and local communities. Engagement should recognise the different contexts in different areas, for example whether an area is a long standing 'nuclear' community or one with no prior engagement with the industry.

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We have concerns about the uncertainty contained in Para 5.2.3 last sentence: '*The government believes that the sites designated in EN-6 retain inherent positive attributes that will make them suitable for consideration for further development'.* We question what this sentence means? It would seem to bring uncertainty to the previously established designation of EN-6 sites as being potentially suitable for new nuclear development.

It is unfortunate that parallel processes of DCO consent and other permitting will be retained. This is complex and onerous for both host communities and Councils. However, it is understood that the rationalisation of the various consenting regimes is probably beyond the scope of a new EN-7.

Question 12: *What, if any, help from government or GBN would you expect to see to support developers with site identification?*

We strongly encourage GBN to engage with host Councils and communities at the earliest opportunity, as they have much to bring to the siting process, including not only local knowledge but also local priorities and policies.

Question 13: *Is there any additional information, perspective, or consideration that you believe is important to the development of the nuclear NPS, which may not have been adequately addressed or is missing from the consultation document?*

Community Benefits

Communities hosting new nuclear developments do so on behalf of the nation. EN-7 should require the delivery of community benefits to offset the burden and disturbance of hosting nuclear facilities. Nuleaf's position on this issue in relation to legacy nuclear sites is set out in our **Policy Statement 7**[2]**.** A similar framework should apply to new nuclear developments.

In line with the recently published Civil Nuclear Roadmap, it is strongly suggested that EN-7 includes a requirement for developers promoting new nuclear development on at or adjacent to existing Nuclear Decommissioning Authority sites to maximise the use of existing brownfield land, buildings

[2] https://www.nuleaf.org.uk/policy-communications/policy-statements/

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and/infrastructure. This would promote sustainability, minimisation of impact and could potentially also benefit the public purse.

Also important is that developers should commit to maximising the wider local and regional benefits in terms of the supply chain, skills development and infrastructure.

Local Spatial Strategies

It is unclear if the proposals for EN-7 have considered local spatial strategies. With the nomination of Hinkley Point in EN-6, local authorities in Somerset were able to develop spatial strategies and other policies in their local plans (West Somerset and Sedgemoor) and other plans and strategies to take account of the proposed new nuclear power station and ancillary infrastructure, both within the area of the host community and surrounding environs.

The Government's aspirations for EN7 is to give industry and investors the confidence they need to deliver projects at speed and assess suitable sites using a criteria based approach. It is imperative that any proposals for NSIPs should not be divorced from local spatial strategies or other relevant plans/strategies. Proposals should be developed taking account of and informing spatial strategies to ensure that best outcomes can be achieved for the developer and local communities. Consideration must include host and neighbouring areas, and this should be at the earliest opportunity when the project commences.

The emergence of new technologies including particularly small-scale nuclear generation gives greater opportunities for co-location with energy, heat (industrial or domestic) and hydrogen users (para 3.2.8) all of which help ensure that other government policies including those set out in the Net Zero Strategy are achieved. Noting the potential for competing pressures on land use, it will important that the optimum not just suitable use or reuse of land is considered in any given area.

Question 14: *Please identify the sectors or interests you represent in relation to the siting of new nuclear power stations. (Select all that apply):*

Local authority/government representative:

Nuleaf (the Nuclear Legacy Advisory Forum) is the Local Government Association (LGA) representative body on legacy wastes and decommissioning. We are directly supported by over 100 local authorities and national park authorities across England and Wales and speaks on these issues for the wider local government community. We have a remit encompassing all aspects of the management of the UK's nuclear waste legacy. Our primary objectives are:

- to provide a mechanism to identify, where possible, a common, local government viewpoint on nuclear legacy management issues;
- to represent that viewpoint, or the range of views of its member authorities, in discussion with national bodies, including Government, the NDA and the regulators;
- to seek to influence policy and strategy for nuclear legacy management in the interests of affected communities; and
- to develop the capacity of its member authorities to engage with nuclear legacy management at a local level.

Nuleaf is an independent body, guided by our members. Our focus is on nuclear decommissioning and waste management, but we recognise the link between the remediation of current nuclear sites and their potential for redevelopment as for new nuclear power.

Some of our member local authorities already host new nuclear developments, while others have an interest in the development of such facilities in their area. We are a broad organisation and also include local authorities that are opposed to new nuclear.

A draft of our response was shared with our member local authorities for comment; and we have also drawn on individual local authority responses to this consultation that have been shared with us.

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