

Link response to Consultation on Approach to siting new nuclear power stations beyond 2025

8 March 2024

This briefing is on behalf of nature coalition Wildlife and Countryside Link ([Link](#)).

Responses to selected 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.

We agree that SMRs and AMRs should be covered by the same nuclear NPS as GW scale projects. However, so far the Government has provided no detailed information about the technical specification or requirements of SMRs or AMRs and how they differ from large-scale GW generators. In the absence of such detail, all nuclear generation should continue to come forward through a strategic and spatially planned approach, rather than the proposed market-led approach.

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

We disagree with the Government's proposal to shift its nuclear siting policy to a criteria-based approach applied by developers.

A strategic, spatial approach to planning infrastructure enables better environmental assessment, in particular assessment of indirect and in combination effects and consideration of alternatives. Greater spatial planning also supports strategic environmental mitigation.

Strategic spatial planning of infrastructure also provides wider benefits, including visibility and scrutiny opportunities to local authorities and local communities, and more certainty to developers about potential regions for development. For these reasons, the National Infrastructure Commission (NIC) also recommends spatial plans for infrastructure be developed.

The Government itself has recognized the importance and benefits of greater spatial infrastructure planning and has committed to developing the Strategic Spatial Energy Plan (SSEP). The Government has also committed to publishing a Land Use Framework for England. Thus the proposed move away from a strategic spatial approach for identifying nuclear sites is inconsistent with the Government's wider approach to planning energy infrastructure, counter to the NIC's advice and, in our view, the alternative proposed in this consultation is not well justified, especially given the large potential environmental impacts.

Nuclear energy infrastructure, including smaller-scale reactors such as AMRs and SMRs, have large impacts on the natural environment, and so a strategic spatial approach is particularly important in this case of siting nuclear plants.

While we note the Government must conduct an Appraisal of Sustainability (including SEA) and Habitats Regulations Assessment for the proposed EN-7, these assessments will be necessarily high-level because no particular sites or regions are identified and will not be able to assess indirect and in combination effects in any specificity.

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

We are answering this question only with respect to the proposed policy to adopt a criteria-based approach to siting new development.

We do not agree that adopting a criteria-based approach to siting new nuclear development will ensure new nuclear power stations are appropriately constrained by appropriate criteria. For our reasoning, please refer to our response to Question 2.

We also do not agree that adopting a criteria-based approach to siting new nuclear development will support the delivery of net zero. Protecting habitats which sequester significant amounts of carbon, such as woodlands and seagrass, from destruction or degradation is essential to meeting our net zero ambitions. A strategic spatial approach to siting new nuclear plants would allow for more thorough and specific consideration of environmental impacts and alternative solutions, enabling avoidance of the most important sites for nature and carbon and informing the selection of the most environmentally appropriate location for any new nuclear. A criteria-based approach to nuclear sitings would also undermine the Government's strategic spatial approach with wider energy infrastructure through the Strategic Spatial Energy Plan (SSEP).

Question 7: Do you agree that we have correctly identified the criteria that are impacted by our proposed key policy changes? Please indicate the extent to which you agree or disagree with the question and provide any further comments.

We agree with the criteria identified in the consultation that are impacted by the proposed key policy changes, however, we have three recommendations to improve the criteria.

Currently, all environmental protection criteria are discretionary – these should all be exclusionary.

Flood risk should also be an exclusionary criterion, not a discretionary criterion.

Species, in particular protected species, Local Wildlife Sites, and irreplaceable habitats, for example ancient woodland, should be added as site assessment criteria. Protecting wildlife and habitats is not just important to halt the loss of biodiversity, as per the Government's Environment Act targets, but also to preserve the carbon sequestered in these sites in order to achieve net zero targets.

Questions 7a-7d. If you wish to, please provide any comments to further expand on or explain your responses to the question in this section in relation to the following: (free text, 300 words)

7a - Flooding, tsunami and storm surge and coastal processes

7b - The default position for consideration of flood risk is that developers should first consider alternative sites or solutions at the national level unless there is a policy reason why the scope should be narrowed to focus on the regional or local level instead. Where flood or coastal erosion risk is identified, and an alternative site is not viable, options and mitigations will be considered in more detail through the flood risk assessment. We intend to consider whether there is policy justification to narrow the focus to a more regional or local level as part of the NPS, but would welcome any suggestions or evidence that would support our consideration and help us to define their scope.

7c - Locational characteristics and population densities

7d - Other criteria that are impacted upon that have not been identified above

Flood risk should also be an exclusionary criterion, not a discretionary criterion. Flood risk assessments include climate change modelling, which provides appropriate information to inform a decision, but making flood risk an exclusionary criterion would *ensure* the right decision is taken (e.g., ruling out the highest risk zones).

We strongly support the default position that developers should first consider alternative sites or solutions at the national level. We do not see a policy reason why the scope should be narrowed to focus on the regional or local level instead. From an environmental and ecological point of view, a robust consideration of alternatives at a national level is more likely to result in avoiding and minimizing risk and harm to the natural environment.

Other changes to the criteria that we suggest include: making all environmental protection criteria exclusionary and adding species, in particular protected species, Local Wildlife Sites, and irreplaceable habitats, for example ancient woodland, as site assessment criteria.

Local Wildlife Sites (LWS) are important sites for nature, identified for their 'substantive nature conservation value using robust, scientifically determined criteria which consider the most important, distinctive and threatened species and habitats within the local, regional, and national context.' Many LWS can be of equal (containing SSSI-quality species assemblages or habitats) or higher biodiversity value than SSSIs, and in some counties, most of the special wildlife can be found in LWS. As the selection of LWSs is inclusive, rather than representative like SSSIs, LWSs support much of the remaining high-quality space for nature in England.

Although not legally protected, government has recognised the importance of irreplaceable habitats, including ancient woods and veteran trees, in numerous commitments within the Environment Act and policy papers including Biodiversity Net Gain, the Keepers of Time, and through the strong protections afforded to ancient woods and veteran trees within the National Planning Policy Framework.

Question 8: Do you agree that we have correctly identified that these criteria are embedded in EN-7, EN-1 and within wider guidance? Please indicate the extent to which you agree or disagree with the question and provide any further comments.

We do not agree with the criteria identified as embedded in EN-7, EN-1 and wider guidance and therefore discounted from inclusion as new site assessment criteria.

We agree that climate change resilience and adaptation is embedded within EN-1 and within other criteria in EN-7. However, the flood risk site assessment criterion in proposed EN-7 should be made exclusionary, not discretionary.

As the consultation document recognizes, protecting groundwater sources is essential and all large-scale infrastructure projects, including nuclear power, have the potential to harm groundwater source protection zones. While the protection of groundwater sources forms part of the permitting and licensing process, this process is not required to be, and is not always, undertaken before or alongside the NSIP planning process. Avoiding groundwater source protection zones upfront through strategic siting of new nuclear plants is the most effective approach to avoiding environmental harm and the most streamlined approach which could save government, regulators, and developers time and resources. For these reasons, we believe that protecting groundwater sources should be added as a criterion to the site assessment criteria.

Questions 8a-8c. If you wish to, please provide any comments to further expand on or explain your responses to the question in this section in relation to the following: (free text, 300 words)

8a - Climate change resilience and adaptation

8b – Groundwater protection

8c - Other criteria that should be considered for discounting that have not been identified above

Please see our comments on climate change resilience and adaptation and on groundwater protection in our response to Question 8.

Question 9: Do you agree that we have correctly identified that these criteria do not require any significant development? Please indicate the extent to which you agree or disagree with the question and provide any further comments.

We agree that the site assessment criteria on nationally and internationally designated sites of ecological importance and areas of amenity and landscape value and cultural heritage should continue to apply for all sites of nuclear power stations through the proposed EN-7.

However, these two criteria, as well as the other environmental protection criteria and flood risk criterion, should be amended to be exclusionary, not just discretionary.

Questions 9a-9h, If you wish to, please provide any comments to further expand on or explain your responses to the question in this section in relation to the following: (free text, 300 words)

9a - Proximity to military activities

9b - Proximity to major hazard sites and major accident hazard pipelines

9c - Proximity to Civil Aircraft Movements

9d - Nationally and internationally designated sites of ecological importance

9e - Areas of amenity and landscape value and Cultural heritage

9f - Size of site to accommodate operation

9g - Access to suitable sources of cooling

9h - Other criteria that are without significant development but have not been identified above.

The criteria on nationally and internationally designated sites of ecological importance and areas of amenity and landscape value and cultural heritage, including National Parks, AONBs, the Broads, and locally valued landscapes, should continue to apply for all sites of nuclear power stations through the proposed EN-7 and should be made exclusionary, not just discretionary.

The updated NPS should take account of the new duty in the Levelling Up and Regeneration Act 2023, which requires public authorities to seek to further the statutory purposes of protected landscapes and to contribute to delivering the targets in protected landscapes' Management Plans. This new duty strengthens the case for the criterion on areas of amenity and landscapes value and cultural heritage to be made exclusionary. However, if developers are considering any site in a protected landscape, the new duty will need to be taken account of.

In addition, species, in particular protected species, Local Wildlife Sites, and irreplaceable habitats, for example ancient woodland, should be added as site assessment criteria.

Within the site criteria D7: Nationally designated sites of ecological importance (discretionary), we would strongly recommend the inclusion of irreplaceable habitats (including ancient woodlands and ancient/veteran trees). Although not legally protected, government has recognised the importance of irreplaceable habitats, including ancient woods and veteran trees, in numerous commitments within the Environment Act and policy papers including Biodiversity Net Gain, the Keepers of Time, and through the strong protections afforded to ancient woods and veteran trees within the National Planning Policy Framework.

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

We disagree with the Government's approach to consideration of reasonable alternatives at the strategic level. The proposed move to developer-led and criteria-based sitings policy, away from strategic spatial planning, means that the consideration of reasonable alternatives at a strategic level will not be specific or comprehensive. The consultation document acknowledges this: 'In line with the proposed criteria-based approach to new nuclear development, these reasonable alternatives for the AoS and HRA will be considered at a strategic level, rather than by comparing designated sites with alternative sites.'

This high-level assessment of reasonable alternatives due to the lack of identification of particular sites will mean a less robust consideration of specific alternative sites, which could mean that harm to the natural environment is not always avoided as well or as much as it could be. High-level strategic environmental assessments where no sites are identified are also unable to assess indirect and in combination effects with any specificity.

There is also not sufficient consideration or detail given to how the Critical National Priority (CNP) presumption in EN-1 will apply to nuclear power stations. If the CNP, which is already set out in EN-1, is also included in EN-7, it must reinforce the mitigation hierarchy. We object to the CNP presumption, which has been expanded to cover a large range and amount of infrastructure, including nuclear power. It amounts to environmental regression by overriding policy protections for SSSIs, protected landscapes and Green Belt and by impacting on the Habitats Regulations by redefining 'alternative solutions' and IROPI.

Questions 10a-10f. If you wish to, please provide any comments to further expand on or explain your responses to the question in this section in relation to the following: (free text, 300 words)

10a: Merits of a nominated site in comparison to other alternative solutions: Do you have any suggestions or evidence for what should or should not be included as part of the government's consideration of reasonable alternatives at the strategic level?

10b: Radioactive waste management

10c: Impacts of multiple reactors

10d: Ownership of sites

10e: Biodiversity Net Gain

10f: Other matters that should be considered further as part of the criteria-based approach

On Biodiversity Net Gain, we welcome the consultation document's commitment to embed BNG into EN-7. The Government should go beyond a 10% mandatory minimum net gain and increase the current 30-year maintenance period for NSIPs, including nuclear power stations, to ensure the delivery of genuine gains for nature from these often environmentally damaging projects.

We also note that delivery of net gain for large-scale projects like NSIPs may need to take strategic approaches in order to deliver the best outcomes for biodiversity. There should also be a different approach to BNG in the intertidal and marine environment and we look forward to engaging with Government further on these topics.

Species, in particular protected species, Local Wildlife Sites, and irreplaceable habitats, for example ancient woodland, should be included as site assessment criteria.

Although not legally protected, government has recognised the importance of irreplaceable habitats, including ancient woods and veteran trees, in numerous commitments within the Environment Act and policy papers including Biodiversity Net Gain, the Keepers of Time, and through the strong protections afforded to ancient woods and veteran trees within the National Planning Policy Framework.

Local Wildlife Sites (LWS) are important sites for nature, identified for their 'substantive nature conservation value using robust, scientifically determined criteria which consider the most important, distinctive and threatened species and habitats within the local, regional, and national context.' Many LWS can be of equal (containing SSSI-quality species assemblages or habitats) or higher biodiversity value than SSSIs, and in some counties, most of the special wildlife can be found in LWS. As the selection of LWSs is inclusive, rather than representative like SSSIs, LWSs support much of the remaining high-quality space for nature in England.

Question 11: The 'Implementation' section describes how the new policy approach will be implemented. What are your views on the proposed model for implementation? Please indicate the extent to which you agree or disagree with the question and provide any further comments.

Disagree. If the Government is to move to a developer-led and criteria-based sitings approach, the environmental protection criteria should be made exclusionary (rather than just

discretionary) and developers must be required to consult the Environment Agency, the Forestry Commission, and Natural England for advice when the developer is applying the environmental protection criteria at each appropriate stage via PINs processes. (This would mirror the proposed approach set out in the consultation document for the Ministry of Defence and the Office of Nuclear Regulation to provide advice to developers when they are applying the other site assessment criteria.)

Currently it is not clear how this proposed approach and implementation to siting new nuclear power stations will sit alongside, or ideally, join up with, the Government's Strategic Spatial Energy Plan (SSEP). If the Government is to move to this developer-led approach and away from the strategic spatial approach of EN-6, we suggest there should be a requirement for developers to take account of the SSEP, which we understand will be set out in EN-1.

Question 12: What, if any, help from government or GBN1 would you expect to see to support developers with site identification?

There should be support from Government to ensure any proposed developer-led approach to siting new nuclear power stations joins up with the SSEP.

Advising individual developers on the application of the site assessment criteria will require capacity, resources and expertise from statutory consultees, including the Environment Agency and Natural England. As Government has acknowledged, these bodies are under-resourced, making it difficult to provide comprehensive advice in a timely manner. If the Government proceeds with this new developer-led approach to siting nuclear power stations, the Government should address the additional burden on statutory consultees by sufficiently funding these key advice bodies.

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? Please share your insights and suggestions.

The interaction, and ideally, join up, between the Government's Strategic Spatial Energy Plan (SSEP) and this new proposed approach to siting nuclear power stations should be addressed.

We note that the CNP, which could be applicable to nuclear power stations, is not compatible with the fast-track NSIP consenting route, because the current fast track proposals suggest that mitigation and compensation requirements for projects must be agreed prior to examination, a presumption on the residual impacts would also have to be considered at this time (before an application reaches examination/decision), whereas the CNP presumption can only be applied after all the legal requirements have been discharged under the Habs Regs and EIA regulations. It would be essential to clarify this incompatibility if the CNP is included in EN-7.

Finally, if the Government is to proceed with this proposed approach, we wish to note additional environmental concerns around the implementation of the approach. Currently, developers do not always provide the right environmental information during the pre-application stage of the NSIP planning process. In addition, as the Government has acknowledged, statutory consultees in the planning system are under-resourced. In this context, we are concerned that the proposed process where developers apply the site assessment criteria and screen sites at the pre-application stage, with advice from regulators as appropriate, will not be robustly conducted and not result in the identification and appropriate consideration of environmental concerns during the developer-led site assessment process.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 82 organisations to use their joint voice for the protection of the natural world and animals. Wildlife and Countryside Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

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The following organisations support this response:

Bat Conservation Trust

Bumblebee Conservation Trust

Campaign for National Parks

CPRE – The countryside charity
People’s Trust for Endangered Species
RSPB
The Wildlife Trusts
Woodland Trust