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Landmark  
CHAMBERS

**THE PLANNING REGIME FOR THE  
NEW GENERATION OF NUCLEAR  
POWER PLANTS**

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## Context

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- Nuclear power as part of the UK's energy mix
- Recent debate prompted by concerns about:
  - expected closures
  - climate change
  - energy security



## Context

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- Recent policy history:
  - Energy White Paper 2003
  - Energy Review report 2006
  - Greenpeace [2007] EWHC 311
  - Energy White Paper 2007
  - Nuclear White Paper 2008
  - UK Low Carbon Transition Plan 2009



## National Policy Statements

- Planning White Paper 2007
- Key documents:
  - Draft Overarching NPS for Energy (EN-1)
  - Draft NPS for Nuclear Power Generation (EN-6)
  - Consultation document on draft NPSs
  - Appraisals of Sustainability (AoS) and Habitats Regulations Assessments (“HRAs”) for EN-1 and EN-6



**EN-1**

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**C**

- “Vitality important role” of nuclear
- General principles and guidance
- AOS and HRA



- Strategic Site Assessment
- Policy
  - Need
  - Timing
  - Nuclear specific impacts
  - Flag for local consideration



- Policy contd
  - Individual sites
  - Alternative sites
  - Relationship between planning regime and regulatory framework
  - Radioactive waste management
- AOS and HRA
- Consultation document



**EN-6**

**$\frac{L}{C}$**

- Responses
- Challenge?



# Development consent and the IPC

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- Infrastructure Planning Commission:
  - Planning White Paper
  - Purpose
  - Planning Act 2008
  - Regulations and guidance
  - Open doors
  - Applications



## **Pre-application procedure**

- Pre-application procedure: front loading:
  - Consultation
    - Statutory bodies and stakeholders
    - Local authorities
    - Those with directly affected land interests
    - Local community
  - Notification
  - Publication
  - Consultation report



# Applications

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- Acceptance
- Notification and publicity



## **Examination**

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- Examining authority
- Interested Party
- Relevant representation
- Initial Assessment and Preliminary Meeting
- Written representations
- Local impact report



# Examination

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- Conduct of examination
  - General approach
  - Hearings
  - Cross-examination
  - Assessors and legal assistance



## Post-examination

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- Decisions
- Orders
- Challenges



## Conclusions

- Uncharted territory
- NPS – challenges?
- IPC – here to stay?
- Examinations – pragmatism or dogmatism?
- Speedy delivery of new nuclear power?

