

Issue 4 – Question 14 (a)
Policy PSP46 – Oldbury New Nuclear Build (NNB)
Horizon Nuclear Power Oldbury Ltd (ID: 280/2)

EXAMINATION: SOUTH GLOUCESTERSHIRE POLICIES, SITES AND PLACES PLAN

PRE HEARING STATEMENT: HORIZON NUCLEAR POWER OLDBURY LTD (ID: 280/2)

ISSUE 4: “ARE THE POLICIES IN THE PSPP JUSTIFIED AND CONSISTENT WITH NATIONAL POLICY?”

QUESTION 14 (A): POLICY PSP46 – OLDBURY NEW NUCLEAR BUILD (NNB)

“IN VIEW OF THE CRITERIA ALREADY PROVIDED BY POLICY CS37 OF THE CORE STRATEGY, IS IT PREMATURE TO IDENTIFY DETAILED ISSUES AND DELIVERY OBJECTIVES IN THE PSPP? WHAT ARE THE RISKS ASSOCIATED WITH THIS APPROACH?”

1. Horizon Nuclear Power (Horizon) considers that the Themes, Issues and Delivery Objectives in Policy (PSP46) would provide a welcome constructive starting framework for the development of a Supplementary Planning Document in due course once planning for the development of Oldbury NNB is progressed. However, Horizon believes that it is premature to identify detailed ‘Delivery Objectives’ for inclusion as policy (PSP46) in a statutory development plan at this early stage in the development of the proposals for Oldbury NNB. Horizon is currently focussed on bringing forward its proposals for its lead site Wylfa in North Wales and it is currently anticipated that it will be after a final investment decision for Wylfa (expected in the latter half of 2019) that Oldbury NNB would be progressed. In addition, Horizon wants to highlight that some of the ‘Delivery Objectives’ duplicate the detailed criteria already set out in statutory development plan policy in CS36 and CS37, while others are inconsistent with these policies and/or pre-empt studies which have yet to be commissioned and are not therefore founded on any objective evidence, and are consequently not justified.
2. The risks of such an approach are that the determination of any planning applications for associated development which is not included within the Development Consent Order (DCO) together with South Gloucestershire Council’s (SGC) local impact report to the Secretary of State (SoS) would be based on unsound policies. Conflict with the development objectives and with the National Policy Statement (NPS) would lead to potential unnecessary consideration of alternatives, delay in the Environmental Impact Assessment (EIA) and adversely affect the project’s timetable.
3. Horizon owns two of the eight sites designated in the UK for new build in the NPS (EN-6) for nuclear power generation; Oldbury and Wylfa. It was in 2007 and 2008

when E.ON (one of the founders of the Horizon joint venture in 2009), acquired land rights and options adjacent to the existing nuclear power station site at Oldbury and, jointly with the Nuclear Decommissioning Authority, proposed the site for consideration. Oldbury was subsequently identified in NPS EN-6 as a site potentially suitable for NNB. Pre-planning work, including ground investigations, seismic and environmental surveys, originally began on Oldbury in parallel with Wylfa. Insofar as Oldbury NNB was concerned, a collaborative working arrangement was agreed with SGC at that time (via a draft Planning Performance Agreement) and a 'Statutory Working Group' was established to discuss progress. Indeed some initial key principles were discussed such as the need for site-raising and the ruling out of the use of natural-draft cooling towers.

4. In 2010, following a strategic review by Horizon, a decision was taken to focus attention on Wylfa NNB as the lead site, and further development work on the Oldbury NNB was then reduced to a minimum. Design work and project refinement from Wylfa NNB will be used to develop proposals for Oldbury NNB. However, Horizon continues to maintain an ongoing high level dialogue with SGC, along with community engagement, and is carrying out ongoing maintenance and caretaking work associated with its land and property holdings there.
5. Until Wylfa NNB has received DCO consent and a final investment decision is made, Horizon will not have further information to support detailed discussions with SGC in the development of its proposals for Oldbury NNB. Indeed, a fundamental principle of Horizon's approach to developing its proposals for Oldbury NNB is that they should benefit from the experience gained from progressing its lead site at Wylfa.
6. The first paragraph of Policy PSP46 includes the statement that *"the Council is committed to working in a collaborative partnership approach with the scheme promoter"* as well as the local communities, key Government Agencies, National Grid and public bodies etc. The Themes, Issues and Delivery Objectives referred to in Policy PSP46 have not been prepared in collaboration with Horizon, the scheme promoter, given Horizon has not yet been in a position to agree the Themes, Issues and Delivery Objectives.
7. The Council would appear to acknowledge that its approach might be premature where it states at paragraph 9.7 that *"Given the timeframe for the proposed project planning, development, operation and decommissioning for a nuclear power station, and also that the nature of the proposals is not yet known, it is considered that other issues of relevance to the Council and its communities may arise. It may therefore be necessary for the Council to consider further planning policy development in the future."* This would presumably be in addition to the Pre-Engagement Position Statement the Council says, in the last paragraph of Policy PSP46, it will also bring forward setting out *"information on constraints and opportunities in relation to the proposed development as well as more detail on preferred mitigation approaches, legacy opportunities and community benefits."*

8. As the Inspector is clearly aware from the phrasing of her question, the Core Strategy already includes two policies (CS36 and CS37) that set out a number of detailed criteria. It is against these detailed criteria that the Council intends to assess the proposals for Oldbury NNB when responding as a consultee in respect of a DCO application (via the preparation of its Local Impact Report) or as determining authority in respect of any associated development falling outside the scope of the DCO. Indeed, it is the Government's NPSs on Nuclear Power Generation (EN-6), taken together with the overarching NPS for Energy (EN-1), that will provide the primary basis for decisions taken by the SoS for Energy and Climate Change on the DCO applications for Oldbury NNB.
9. Horizon does see merit in the preparation of more detailed planning guidance to supplement Policies CS36 and CS37. Indeed, Horizon considers that the Themes, Issues and Delivery Objectives would provide a welcome constructive starting framework for the development of a Supplementary Planning Document in due course as has been the case for its lead site at Wylfa and for EDF Energy's proposals at Hinkley Point C but only when more is known about the nature of the proposal and when the more refined designs for Wylfa NNB can be taken on board. Horizon would also expect to enter into a formal Planning Performance Agreement with the Council at that stage and seek agreement on a Statement of Community Consultation. The subsequent development of the Delivery Objectives may also assist the Council with framing its input to future EIA scoping.
10. Turning to the wording of policy PSP46, we note some of the Delivery Objectives merely duplicate the criteria set out in CS36 and SC37. We have also identified a number which are not consistent with CS37, and in some cases, are contrary to the National Planning Policy Framework (NPPF). The table of Themes, Issues and Delivery Objectives appears to be based in large part on a report prepared for SGC by Somerset County Council's Major Programmes Group (SCCMPG) in June 2014. However, and not surprisingly, it reflects SCCMPG experience with the NNB proposals at Hinkley Point which relate to different technology and context at the time and were significantly more advanced than the current proposals for Oldbury NNB. It is Horizon's case that Policy PSP46 (and in particular the Delivery Objectives referred to therein) is not justified as it is not soundly based on objective evidence (because the necessary studies have not yet been commissioned) and has not been prepared, for the reasons explained above, in collaboration with the scheme promoter.
11. Many of what SGC refer to as 'Delivery Objectives' read more as aspirational statements, and in many cases they pre-empt the outcome of studies which have yet to be commissioned; not least those linked to the EIA. Moreover, a number of the issues will not become apparent until further progress is made and will, in any event, involve other regulatory bodies such as the Environment Agency, Natural England, Historic England and the Office for Nuclear Regulation. As such it would be misleading and premature to crystallise SGC's comments and aspirations and afford them the status of statutory policy at this early stage. To do so is likely to lead to conflict and unnecessary examination/justification of alternatives and delay in the EIA

and broader planning process post 2019 with consequent risk of delay in meeting national policy objectives.

12. Conflict with the development objectives and with the NPS would lead to potential unnecessary consideration of alternatives, delay in the EIA and adversely affect the project's timetable.
13. The higher level, more generalised objectives are helpful, but appear to duplicate what is already set out in some detail in Policies CS36 and CS37 and in some cases are not entirely consistent with these policies.
14. We have highlighted some specific examples of the above in the table at Appendix 1 to this statement.
15. It is for these reasons that we say Policy PSP46 is premature and not justified in a statutory capacity, and should be removed from the PSP Plan. We do however consider that the Themes, Issues and Delivery Objectives would provide a welcome constructive starting framework for the development of a Supplementary Planning Document in due course once planning for the development of Oldbury NNB is progressed.

Appendix 1
Specific Examples Highlighted in Delivery Objectives
(Policy PSP46)

Theme	Comments on Delivery Objectives
<p>1) Flood & Flood Risk Management (i.e. Coastal Change)</p>	<p>Premature pending further studies.</p> <p><i>‘...protecting as much of the ‘cell’ as possible’</i> is a relatively meaningless statement in its own right since it takes no account of what is reasonable. In fact, the extent of the area to be protected will be dependent upon a formal Flood Risk Assessment to be undertaken in conjunction with the Environment Agency (with input from SGC) in due course. This is mandated by paragraph 5.7 of the NPS EN-1. Protecting <i>“as much as possible”</i> may not be reasonable.</p> <p>Some unnecessary duplication with CS36 Criterion 8 and requirements under paragraph 5.7 of NPS EN-1.</p>
<p>2) Transport (Access and Movement) (including construction materials, equipment, including abnormal indivisible loads and workers)</p>	<p>Premature pending further studies.</p> <p>It is too early to confirm whether a marine offloading facility will definitely be proposed and if it is proposed to aid construction then it goes without saying it would need to be in place ‘early’, at the construction stage.</p> <p>The potential use of Tytherington Quarry for rail access and Charfield station for workers needs to be examined first (always bearing in mind availability).</p> <p>Reference is made to <i>“the preferred accommodation strategy for Oldbury NNB”</i>. There is no preferred accommodation strategy yet and Horizon is some way off commissioning the relevant studies. SGC’s preferred accommodation strategy is still vague and not founded on any objective evidence.</p> <p>Specific reference to <i>“integrating Park and Ride and logistics facilities with junction improvements”</i> at M5 J14, M4 J18 and M48 J1 pre-empts the outcome of any transport studies. This may not be appropriate. The Council has no evidence to support these proposals.</p>

	<p>Controlling hours of operation and transport routes to “<i>avoid impact</i>” on the SRN is contrary to the NPPF (paragraph 32) and not consistent with Policy CS37 Criterion 3. It may not be reasonably possible to avoid some impact on the SRN.</p> <p>Unnecessary duplication of, but in part inconsistent with, Policy CS37 Criterion 3.</p>
<p>3) Accommodation & Housing</p>	<p>Premature pending further studies and consequently not sufficiently precise to be helpful.</p> <p>Unnecessary duplication of, but in part inconsistent with, Policy CS37 Criterion 4.</p> <p>It may not be possible to completely avoid some “<i>impact on existing communities</i>” and some “<i>impact on the housing market</i>” and it does not provide for mitigation, or minimisation.</p>
<p>4) Environment (archaeology & historic environment, landscape & visual, ecology)</p>	<p>Premature pending further studies and EIA Scoping.</p> <p>Insofar as ecology is concerned, SGC appears to have included detailed comments pre-empting the output of future work linked to the Habitats Regulations, including the location of any compensatory habitat with no justification as to why land to the north of the site has been identified. This is clearly premature.</p> <p>Reference to the ‘avoid, mitigate, compensate hierarchical’ approach is unnecessary duplication of CS37 Criterion 7 and potential conflict with the findings of the Strategic Appropriate Assessment for Oldbury attached to NPS EN-6.</p> <p>It is not clear why the remaining comments on archaeology and visual impact are not dealt with in the same level of detail as ecology but the comments are again matters relating to EIA scoping rather than matters which should be enshrined in statutory policy. There is potential conflict with or duplication of EIA requirements of NPS EN-1 paragraphs 5.3, 5.8 and 5.9 and NPS EN-6 paragraphs 3.9 and 3.10.</p> <p>There are a number of references to the studies being undertaken “early”. It goes without saying that if they are</p>

	<p>to inform the preparation of the proposals these studies will need to be undertaken at the outset and during the design stage.</p> <p>Unqualified “<i>re-instatement and enhancement</i>” of PRowS is not consistent with Policy CS37.</p>
<p>5) Economic Development/ Ensuring sustainable growth</p>	<p>Premature pending further studies.</p> <p>Unnecessary duplication of Policy SC37 Criterion 8 that requires various strategies (procurement, employment, and recruitment) and delivery plans to be agreed with the Council at an early stage of project development in any event.</p>
<p>6) Education & skills</p>	<p>Premature pending further studies.</p> <p>Unnecessary duplication of Policy SC37 Criterion 8 that requires various strategies (education, training and recruitment) and delivery plans to be agreed with the Council at an early stage of project development in any event.</p>
<p>7) Community safety, community benefit and quality of life (including health and community facilities)</p>	<p>Premature pending further studies.</p> <p>The lack of qualification in respect of not just avoiding impacts but allowing for mitigation and compensation is not consistent with CS37 criteria 9, 10 and 11.</p>
<p>8) Emergency Planning</p>	<p>Premature pending further studies.</p>
<p>9) Integration of the Existing and proposed nuclear sites</p>	<p>Premature pending further studies not least into the feasibility of any aspects of this.</p> <p>Otherwise unnecessary duplication with SC37 Criterion 2.</p>