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Dear Sir/Madam,

Notification to states regarding Consultation on National Policy Statement (NPS) for Geological Disposal Infrastructure.

The Department for Business, Energy and Industrial Strategy within the UK Government is launching a consultation on the draft National Policy Statement that is part of the Department's work to locate a suitable site for a geological disposal facility (GDF) for higher activity radioactive waste.

In 2014 the Government set out a renewed approach to this task in its 2014 White Paper 'Implementing Geological Disposal'¹, which was to launch the siting process for a GDF following completion of three initial actions. One of the initial actions was to amend the Planning Act 2008 to bring geological disposal infrastructure (a geological disposal facility and deep investigative boreholes) within the scope of the special planning regime for nationally significant infrastructure projects².

One feature of that planning regime is the possibility of producing a National Policy Statement (NPS) for the relevant category of infrastructure³. An NPS provides the framework for the Planning Inspectorate and the relevant Secretary of State to examine and make decisions on development consent applications for nationally significant infrastructure projects.

A draft NPS for geological disposal infrastructure has now been developed. It sets out the need for geological disposal infrastructure for higher activity radioactive waste, as well as creating a clear framework for future development consent decisions on such infrastructure. The draft NPS is non-site specific and applies in England only.

The draft NPS will be subject to consultation as required under section 7 of the Planning Act 2008. We will be commencing a public consultation on 25 January 2018 (running for 12 weeks) and will be looking for views and suggestions on the draft NPS and its supporting environmental documents, including the Appraisal of Sustainability (AoS), to enable us to meet the AoS objectives in the most effective and efficient way.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332890/GDF_White_Paper_FINAL.pdf

² <https://infrastructure.planninginspectorate.gov.uk/application-process/the-process/>

³ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/national-policy-statements/>

The AoS sets out objectives across 13 topics; biodiversity and nature conservation; population, economics and skills; human health; land use, geology and soils; water quality; flood risk and coastal change; air; noise; climatic factors; waste and resources; traffic and transport; cultural heritage; and landscape and townscape. The objectives aim to protect and where appropriate enhance the topics or minimise the effects thereof. The draft NPS and its effects have been assessed across the topics. The AoS has been carried out such that it also satisfies the environmental assessment requirements of the Strategic Environmental Assessment Directive (2001/42/EC, the SEA Directive), as implemented by the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).

The AoS for the draft NPS has concluded that implementation of the NPS will have no likely significant effects on the environment of other EEA states. We have therefore concluded that the transboundary consultation requirements under Article 7 of the SEA Directive, as implemented by regulation 14 of the SEA Regulations, do not apply. At a later stage in the programme, the likely transboundary effects (if any) of individual proposals for geological disposal infrastructure at specific sites will be considered as part of the development consent process.

However, although the transboundary consultation requirements referred to above do not apply, you still have the opportunity to respond to the consultation on the draft NPS and accompanying documents, if you wish.

Further information

The draft NPS, AoS, and HRA documents are available at the UK Government's consultation website: <https://www.gov.uk/government/consultations/national-policy-statement-for-geological-disposal-infrastructure>. The conclusions on transboundary effects are set out at paragraphs 5.173 and 5.174 in the AoS.

The consultation closes on 19 April 2018. In addition to the public consultation, the draft NPS will be subject to Parliamentary scrutiny, as is required for all NPSs. This scrutiny process is expected to last around 30 weeks beginning on the date of publication of our public consultation. The NPS will then be revised, taking into account the responses to the public consultation and any recommendations from the Parliamentary scrutiny process. We then expect the NPS to be approved ('designated') in early 2019.

If you have any queries, please contact us by email at: GDFlanduseplanning@beis.gov.uk.

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Minister for Business and Industry