

From: [REDACTED]
To: [NDE](#)
Subject: National Development Framework wg37092 consultation response jc151119
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Attachments: [wales national dev framework 070819draft WG37092 consult response jc151119.docx](#)

NDF Team,
Planning Policy Branch,
Welsh Government,
Cathays Park,
Cardiff CF10 3NQ
Dear Madam/Sir,
Please find attached the above response.
signed,
J Chanay

Consultation: National Development Framework

WG38167 Overview

Date of issue: 7 August 2019

Action required: Responses by 1 November 2019: extended to 15 November 2019

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Chapter 2 Wales: An Overview – Challenges and Opportunities

2.1 page 12 deficiency: Natural resources

- 2.1.1 Lack of appropriate information in the Draft NDF on national and regional ecological footprints (2018 and 2040 projections, respectively) renders meaningless an espoused commitment to use “only our share of the planet’s resources”.

2.2 pages 15-17 deficiency: Challenges & Opportunities

2.2.1 Transport infrastructure

- 2.2.1.1 An excuse that “Travel across Wales is shaped by our topography” (page 15) displays lack of imagination, initiative, ambition and resolve. By this standard, topography should render Switzerland, for example, a hopeless case. When will the devolved administration ever get to grips with requisite modern transport infrastructure, including new tunnels (beneath hills, mountains and estuaries) and bridges across estuaries? Just how preposterous is it that in 21st Century Wales, there should exist no direct road crossing across the Mawddach Estuary (rail only) or road/rail crossing the Dyfi at Aberdyfi, for example? Both estuaries have long entailed extensive road detours, resulting in avoidable carbon/particulate emissions and fuel/energy wastage, as well as excessively long journey times.
- 2.2.1.2 Leaving aside the fit, able and time rich minority population, the rhetoric of significant investment in cycle routes and existence of a National Cycle Network (page 15) displays deplorable lack of basic comprehension. Cycling patently fails to benefit indiscriminately all citizens of all ages, ability and need. Consider, for example, permutations between home and destination within and between all localities, under all weather conditions, for: education, health services, leisure, public events/meetings, ordinary commute, shopping, vacationing, welfare services, work/business, etc. Self evidently, public transport in Wales warrants root and branch rejig within and between urban and rural settlements (including all metro schemes) for equality of access, affordability, dependability, efficiency, frequency, regularity, safety and security. The NDF should prioritise assured delivery by 2040 of efficient accessible economic modern road/rail/ferry public transport, and associated infrastructure and interchanges everywhere:

- a. capable of safely and securely accommodating pedestrians (including citizens with sensory disability or limited ambulation); wheelchair and mobility scooter users; child buggies and prams; shoppers and their shopping; cyclists and their bicycles; and,
 - b. that link-in and integrate timeously with efficient provision across neighbouring areas and settlements, including assured, convenient, reliable and safe standardised integral conveyance arrangements for buggies, bicycles, household shopping, mobility scooters/wheelchairs, and the like.
- 2.2.1.3 The NDF should aim to maximise dual mode capable road-rail rolling stock and associated infrastructure.
- 2.2.1.4 The NDF should also ensure the entire existing rail network (including tourist lines network) is upgraded to electric traction by 2040, with efficient seamless interchange across networks all year round.
- 2.2.2 Aggregates (page 15)**
- 2.2.2.1 All new, as well as renewal, permits under the NDF should be conditional on assuredly established and properly functioning closed loop cycle recovery and reuse of discarded minerals and demolition aggregate. The Government should require independent auditing and monitoring of industry's commitments to minimising new/raw extraction.
- 2.2.3 New technologies infrastructure (page 17): hydrogen production, distribution, storage and refuelling network**
- 2.2.3.1 Please refer to paras 5.3.1.1-5.3.1.2, inclusive, and para.5.3.4.6 below.

Chapter 3 NDF Outcomes: inadequate ambition for 2040

3.1 Circular economy pigeon holed

- 3.1.1 A circular economy is relegated to Outcome 9. This is short sighted and compartmentalist. A circular economy warrants writing into Outcomes 5, 6, 7 and 11 as well. These Outcomes should all be grounded in delivering a circular economy, respectively.

3.2 Outcome 7: vagueness on reduced reliance on private vehicle use and “sustainable transport infrastructure”

- 3.2.1 The draft NDF fails to define “sustainable transport infrastructure”.
- 3.2.2 The NDF should set clear objectives on the level of reduction in reliance on private vehicle use, while simultaneously putting in place requisite public transport infrastructure. For example, a reduction of 20 percent in private vehicle use by 2030, and 50 percent by 2040?
- 3.2.3 The Welsh Government should be clear and unequivocal in placing the onus for conversion to non-fossil fuel supply squarely on suppliers of fossil fuels and purveyors of vehicles running on fossil fuels. Suppliers and purveyor should be compelled to install, replace and service all existing fossil fuel pumps at every fuelling station with hydrogen fuel pumps (on one to one basis), and multi-socket charging points (on a ratio of at least four charging sockets per each existing fossil fuel pump), by 2040.
 - a. It is not (and, should not be) the business of Government to expend public funds either to provide or finance any manner of new technology fuelling stations in any form for private vehicles. The Government should resist firmly lobby pressure to assume any such responsibility and calls on scarce public funds.

- b. Under the NDF, the Government should bring forward requisite legislation on penalties beyond 2040 for laggard suppliers and purveyors. The Welsh Government should be empowered to levy financial penalty incentives along the following lines, on all conversion/replacement delay beyond 2040, set at annual sliding scale as follows:

5% of the offending entity's gross annual profit in 2041;

at 6% in 2042;

at 7% in 2043;

at 8% in 2044;

at 9% in 2045; and,

at 10% in 2046, and in each subsequent year of any persisting delay or conversion/replacement failure.

The Government should invest all penalty revenues directly in public transport.

- 3.2.4 The Government needs to focus fully on bringing to fruition on-demand non-fossil fuel public transport systems that are indiscriminately fit for the needs of all citizens in all settlements, rural and urban. See as well para.2.2.1.2, above.

Chapter 4 Strategic and Spatial Choices: the NDF Spatial Strategy

4.1 page 22 rhetoric

- 4.1.1 The phrase "future-resilient settlements" is incomprehensible, lacking definition.

4.2 page 25 Spatial Strategy map deficit: intra-urban connectivity

- 4.2.1 Why is there no intention to develop enhanced effective intra-urban connectivity within Anglesey, Gwynedd, and between Anglesey and Gwynedd?

4.3 Policy 4 – Supporting Rural Communities: potentially poor outcomes?

- 4.3.1 The Government risks poor outcomes without putting in place a comprehensive pre-condition. Namely, non-discriminatory public transport upgrade and roll out: see paras 2.2.1.1-2.2.1.4, inclusive, above.

4.4 Policy 7 – Ultra Low Emission Vehicles and infrastructure: public funding questionable as core government function

- 4.4.1 It could not be a proper function of Government to expend scarce public resources on providing or expanding provision of charging infrastructure (or, conversion of fossil fuel service stations) for ultra low emission private vehicles. The Government's proper role could be said to legislate appropriate statutory powers to compel providers of fossil fuels and purveyors of fossil fuel powered vehicles (business and industry) to convert and replace all existing fossil fuel service stations, and to extend the network of non-fossil fuel service stations. There is no rationally defensible or justifiable role, under normative principles and practice of good governance, for the public sector to branch out into provision of fuel infrastructure for any type of low emission private vehicle. See as well paras 4.4.4 and 4.4.5, respectively, below. Since when has it been a responsibility or core function of the public

sector to enable, extend, facilitate or provide fossil fuel infrastructure for private vehicles? Business and industry has manifestly profited handsomely from the fossil fuel age, powering the internal combustion engine. Provision of non-fossil fuel infrastructure for private vehicles ought to remain their responsibility.

4.4.2 The Welsh Government is indisputably strapped for cash. It is unable to ensure sufficient, let alone equitable, provision under its core function responsibility and duty to citizens: be that social care, welfare support, health services, education sector, the housing sector, environmental protection, pollution control or public transport, for example. As a matter of sound governance, getting into electric charging infrastructure is manifestly indefensible, inappropriate, objectionable and an unjustifiable drain on scarce public resources.

4.4.3 It is unquestionably the role of the Government to compel business and industry to:

- a. give full effect to commencing and completing transition from fossil fuel service stations to non-fossil fuel service stations throughout the length and breadth of the country, at its own expense. Business and industry, after all, would still continue to profit from new non-fossil fuel service stations for powering all manner of low emission private vehicles; and,
- b. put in place fully working, fit for the purpose and assured close loop cycle recovery and reuse of discarded special minerals and metals utilised in powering ultra low emission vehicles, at the same time as ensuring that all primary resource extraction (wherever it occurs on the planet) is free from use of child labour, slave labour and extortionate exploitation of geological and geographical reserves.

4.4.4 It is unacceptable as well to hand out grants from the public purse to those in higher income decile groups for purchasing electric vehicles. All such financial benefits ought to be fully means tested as a matter of principle, in the interest of public fairness. Means testing is routinely applied to all claims for Housing Benefit, for example. Grants for electric vehicles likewise constitute a type of welfare benefit. It appears beyond the pale to give a full grant to anyone earning 150% more than the national average earnings in Wales. Plainly, millionaires can pocket a full grant as well. The Welsh Government should promulgate urgent legislation to means test grants for private electric vehicles in Wales (howsoever financed), modelled on the means test applicable to Housing Benefit claimants in Wales (and, in England, for that matter).

4.4.5 Similarly, the grant for installing off-street private charging points should be means tested.

4.4.6 In the interest of transparency and fairness, the Welsh Government should provide an appendix in the NDF document,

- a. describing the operation to date of the electric vehicles grant scheme in Wales (whether or not under devolved powers); and,
- b. an analysis of all electric vehicle grant beneficiaries annually in Wales, classified according to respective income decile groups.

4.5 **page 42 map deficit: Wales Energy Priority Areas**

4.5.1 The proposed district heating networks are far too limited. Need to consider feasibility of other networks and potential heat sources (existing and new) under the NDF. For example, in North Wales, heat load networks involving:

a coupled district heating network:

Bangor→Bethesda→Tregarth→Deiniolen→Pentir→Felinheli→Bangor→Menai Bridge→Llanfairpwll→Llandegfan→Menai Bridge→Bangor?

Likewise: Conwy ↔ Llandudno Junction ↔ Deganwy ↔ Llandudno ↔ Llandrillo ↔ Rhos on Sea ↔ Colwyn Bay?

And, so on?

Chapter 5 The Regions: North Wales Policies 17-22

5.1 Communications, Transport and Utility infrastructure: adaptation to climate change

- 5.1.1 It is imperative under the NDF that all communications, transport and utility infrastructure along the North Wales coast, as well as along rivers and in floodplains, are properly surveyed, protected, upgraded and relocated to higher ground (as necessary) by 2040. The entire critical infrastructure needs to withstand worst case scenario impacts of climate change induced prevailing and projected sea level rise, storm surges, and extreme rainfall and flood events. Vulnerable infrastructure should be design adapted such as to ensure lasting reliable functionality well into the next century.

5.2 Policy 19 – A strong economy, page 52 deficit: North Wales Growth Deal

- 5.2.1 A Citizens' Assembly (recruited from North Wales) should be convened under the NDF to review relevance and suitability of the prevailing North Wales Growth Deal, and to determine preferred *environmentally sustainable* economic development options. Note the emphasis.

5.3 Policy 22 deficit: North West Wales and Energy

5.3.1 North Wales Hydrogen Production, Distribution, Storage Technology Hub and Supply Centres

- 5.3.1.1 The NDF presents an opportunity for strategic development of two hydrogen production and supply centres, in Anglesey and along the North East Wales Coast, respectively. These locations are suitably positioned for exploiting 24/7 maximisation of 100% renewable energy electricity generation on- and off-shore.
- 5.3.1.2 In parallel, a Hydrogen R&D hub should be established in North Wales for:
- further development and refinement of hydrogen production technologies;
 - product purification;
 - bulk product transport and conveyance/transmission infrastructure;
 - bulk product storage infrastructure and geographical location;
 - scaling up from demonstration to large scale permanent production centres;
 - addressing safety and environmental impacts;
 - advising businesses, householders, and central and local government on transitioning to hydrogen from conventional gas, appropriate technology, costs and expected performance;
 - and the like.
- 5.3.1.3 At least two or three settlements with differing characteristics should be selected for piloting hydrogen conversion techniques and technology, and assessment of costs, snags, time scales and consumer response.

5.3.2 Policy 22, including the North Wales Development map on page 50

5.3.2.1 The Anglesey Energy Island Programme

There should be a comprehensive independent environmental sustainability audit of the Anglesey Energy Island Programme under the NDF. The audit should review continuing relevance and delivery to date of objectives and component projects.

- a. It is imperative to upgrade the objectives and projects as best informed by experience gained from the Isles of Scilly Smart Energy Islands projects^{1,2} and the Orkney Islands Energy schemes^{3,4,5}, respectively. These schemes appear highly relevant and pertinent to the Isle of Anglesey, given its renewable energy resource.
- b. With respect, any energy project producing non-biodegradable wastes could not qualify as environmentally sustainable. A case in point is the creation of nuclear wastes. Swapping carbon emissions for nuclear waste is neither environmentally sustainable nor a sensible alternative. Creation and accumulation of nuclear waste is not ethically justifiable. It entails imposing an unavoidable burden on future generations to ensure environmentally safe containment and isolation of the radioactive wastes from the biosphere (both ground surface and deep geological biospheres) for perpetuity⁶. In that regard, the Isle of Anglesey Council objects perversely to detailed geological investigations necessary for ascertaining suitability or otherwise of the geology of Anglesey for a potential Geological Disposal Facility for the permanent disposal of long lived highly radiotoxic nuclear waste created by the operation of low-carbon nuclear reactors in Anglesey.

5.3.2.2 Promotion of Trawsfynydd as a site for Small Modular Reactor(s)

A Citizens' Assembly (recruited from North Wales) should be convened under the NDF to determine the most appropriate future use of the decommissioned Magnox Reactor site at Trawsfynydd, as well as to determine preferred environmentally sustainable economic development options for the vicinity. The UK Government proposal for installation of Small Modular Reactor(s) should have no standing outside the Citizens' Assembly's determinations. It is imperative to start with a clean slate. Both the Welsh Government and the Snowdonia Enterprise Zone Advisory Board need to stand back.

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- ¹ Smart Energy Islands (2019). Accessible at: <https://www.smartenergyislands.net/>
 - ² Council of the Isles of Scilly (2019) Smart Islands. Accessible at: <https://www.scilly.gov.uk/business-licensing/smart-islands>
 - ³ Orkney Surf 'n' Turf (2019). Accessible at: <http://www.surfnturf.org.uk/>
 - ⁴ Flanagan, D (2019) Project set to turn Orkney into a 'smart energy island'. Orkney.com, 3 April 2019. Available at: <https://www.orkney.com/news/reflex-orkney>
 - ⁵ Orkney Islands Council (2019) £28.5m ReFLEX Orkney project to create a 'smart energy island', 31 May 2019. Available at: <https://www.orkney.gov.uk/OIC-News/285m-ReFLEX-Orkney-project-to-create-a-smart-energy-island.htm>
 - ⁶ Highly dangerous radioactive isotopes making up the nuclear waste require environmentally safe containment and isolation from biospheres for periods of up to 240,000 years into the future. Ceramic Zircon (a class of mineral based ceramics) has long been considered the most robust crystalline structure developed to date for immobilising plutonium and other actinides (such as americium and curium) present in nuclear wastes. However, the structural durability of zircon ceramics has turned out to be extremely short lived as compared with the hazardous half-life of the radionuclides. Under constant bombardment of alpha-particles, even zircon crystals turn leaky and are prone to disintegration. According to Farnan, Cho & Weber [(2007: 190-193) *Quantification of actinide alpha-radiation damage in minerals and ceramics*. *Nature* 445, 11.01.2007], alpha particles from the decaying radionuclides can cause such severe damage to the crystalline structure of the zircon ceramic that plutonium starts leaching out after only 210 years and the entire plutonium-zircon ceramic:

"would be amorphous after only 1,400 years in a geological repository (desired immobilization timescales are of the order of 250,000 years)."

Given the perspective of a 25-year time span between successive generations of modern humans, that is the equivalent of up to 10,000 future generations. By way of comparison, *homo sapiens* as a species have existed on the planet Earth for only a similar length of time to date. A "mitochondrial Eve" is considered to have emerged in East Africa, from preceding hominins, around 200,000 to 150,000 years ago (see: Jones D [2014: 80], *Going Global, The Human Story*, New Scientist The Collection, Issue 4, Reed Business Information Ltd., London). The *Neanderthals*, on the other hand, first emerged 230,000 years ago (*ibid*: p14), namely 9,200 generations ago. In other words, had the Neanderthals then invented nuclear reactor technologies and consigned the resulting SNF/HAW inventories to deep geological disposal, modern humans would quite likely chance upon radioactive nuclear waste dumps, from time to time, strewn across southern/central Europe and the Near East!

5.3.3 Policy 22 - inclusion of nuclear energy: NDF misdirection

- 5.3.3.1 According to NDF Policy 22, the Welsh Government welcomes nuclear power stations for generating low carbon electricity. That decision is based on false logic. Namely, that creation of nuclear waste is preferable to emission of carbon waste. Swapping carbon emissions for nuclear waste is neither environmentally sustainable nor a sensible option. Creation and accumulation of nuclear waste is not ethically justifiable. It entails imposing an unavoidable burden on future generations to ensure environmentally safe containment and isolation of the radioactive wastes from both ground surface and deep geological biospheres for perpetuity. A Geological Disposal Facility currently does not exist anywhere in Wales or the UK. Wales has a shameful track record on nuclear waste management. The handling of Welsh nuclear waste is akin to shunting Welsh plastic waste to a magical dump in someone else's community in Africa or the Far East.
- 5.3.3.2 All Made in Wales nuclear waste at Trawsfynydd and Wylfa, respectively, has been spirited away to Sellafield in Cumbria. Sitting in corroding waste fuel ponds, the Welsh nuclear waste awaits a magical solution in the shape of some community somewhere in England magically volunteering to host a Geological Disposal Facility. Curiously, neither Anglesey Council nor Cyngor Gwynedd, or indeed the Welsh Government, are aspirant magical hosts despite the vastly greater and longer term economic benefits than those obtainable from hosting only the radioactive waste producing nuclear power stations. Even the putative trickle down economic benefits of new nuclear power stations championed by political classes in Wales are largely under the control of developers. That is, multi-national corporations and their investors.
- 5.3.3.3 Policy 22 stands in complete denial of continuing lack of a properly functioning Geological Disposal Facility. Moreover, under this Policy, the Welsh Government persists in defying the Royal Commission on Environmental Pollution's counsel in the 1976 Report on Nuclear Power⁷.
- 5.3.3.4 NDF Policy 22 is clearly an invitation to renew the production of nuclear waste in Wales, only this time in ever greater quantity.
- The Welsh Government supports a new nuclear power station in Anglesey at Wylfa, dubbed Wylfa Newydd. This would replace the now defunct twin Wylfa Magnox Reactors (half the size of the proposed Wylfa Newydd). Where will all the new Made in Anglesey nuclear waste go? Even though shut down permanently in December 2015, the twin Magnox reactors are currently too dangerously radioactive to be dismantled and removed from the site. Further, given continuing absence of an available operating Geological Disposal Facility, the twin Magnox Reactors could well remain on the site for as long as a further century.
 - The Welsh Government supports as well the installation and operation of replacement Small Modular Reactors (SMR) at Trawsfynydd. Each proposed SMR would be nearly twice the size of the now defunct twin Magnox reactors. Where will all the new Made in Gwynedd nuclear waste go? Although the Trawsfynydd Magnox Reactors (themselves half the size of the Magnox Reactors at Wylfa) shut down permanently in 1993⁸, the reactors have still not been dismantled. There is little prospect of their complete removal in the course of this century.

⁷ RCEP (1976) Nuclear Power and the Environment. Royal Commission on Environmental Pollution, Chairman Sir Brian Flowers. Sixth Report. Cmnd 6618. HMSO. The RCEP counselled the following in Recommendation 27: 'There should be no commitment to a large programme of nuclear fission power until it has been demonstrated beyond reasonable doubt that a method exists to ensure the safe containment of long-lived highly radioactive waste for the indefinite future.'

⁸ The twin 290 megawatt Magnox Reactors shut down permanently on 20th July 1993. All spent Magnox fuel was subsequently removed to Sellafield. Intermediate level Magnox radioactive waste will remain stored on-site, pending future removal to permanent Geological Disposal Facility. Both reactors at Trawsfynydd were initially shut down in February 1991 for safety inspections, following disclosure in February 1988 of hairline cracks in welds between the reactor pressure vessels and coolant ducts; greater than expected irradiation embrittlement damage inside reactor cores (*Trawsfynydd News*, CEBG, Number 26, 13 May 1988), resulting in metal fatigue damage to steel tie bars that held the graphite cores in a safe geometrically correct shape (*Trawsfynydd restart risks catastrophe*, WANA Briefing, July 1992).

5.3.3.5 According to the First Minister's Foreword in the NDF Consultation document:

"It is difficult to imagine how the world might look in 2040."

With great respect, there exist two clear nuclear strategies within the control of the devolved administration.

- a. It is not at all difficult to imagine an NDF unequivocally excluding the creation of new Higher Activity Radioactive Nuclear Waste in North Wales in 2040. The devolved administration could resolutely resist any proposal by Whitehall to facilitate, site, build or operate any type of new nuclear power reactor (whether research, demonstration or commercial design) anywhere in North Wales. To do so would be wholly consistent with upholding and giving practical effect to intergenerational equity, mindful of the extremely long lived, environmentally radiotoxic and hazardous nuclear waste. It is sheer madness for the Welsh Government to think of swapping carbon emissions for 24/7 creation of new Higher Activity Radioactive Nuclear Waste as constituting a preferable route to low carbon sustainable energy production. It perpetuates transmission of avoidable risk inherent to nuclear waste far into distant futures. That, in turn, negates any semblance of sensibly achieving the United Nations Sustainable Development Goals (through the Well-Being of Future Generations Act 2015) in principle, practice and intergenerational equity.
- b. It is equally not difficult to imagine a National Development Framework under which the Welsh Government proactively facilitates Radioactive Waste Management Limited⁹ to undertake and complete by 2040 the detailed geological surveys necessary for ascertaining potential geological suitability of any area in Wales for the siting of a Geological Disposal Facility. A Geological Disposal Facility is desperately needed for all the nuclear waste created at Welsh nuclear power stations (unequivocally condoned by serial Welsh Governments), as well as new waste from any future Welsh nuclear indulgence.
 - (i) It ought not be difficult imagining Wales coming to terms with its obligations and responsibility for having produced a nuclear waste legacy. It ought not be difficult imagining Wales dealing with this fiendish problem maturely, rather than sweeping the matter under the political fabric of denialism. There is nothing ethical in exporting the entire inventory of nuclear waste expressly with a view to dumping it on some other community outside Wales, and expecting them to deal with it. An assertion that Made in Wales nuclear waste is not Wales's problem is nothing but hypocrisy.
 - (ii) As a 21st Century nation, Wales should be prepared to bury its own nuclear waste, consistent with the sustainable development principles of "proximity" and "the polluter pays". It is no use pretending schizophrenically Wales is/was not responsible for creating a nuclear waste legacy. The act of inviting, agreeing to, accepting, facilitating and/or promoting development and operation of nuclear power reactors *ipso facto*, inexplicably and inescapably, renders Wales co-responsible for all resulting consequences.
 - (iii) Neither could it be acceptable for the Welsh Government to hide behind a facile notion that a Geological Disposal Facility would only be built in Wales if a Welsh community volunteered to host it. Were reactor sites built in Wales only because Welsh communities (as distinct from the political classes) volunteered to host them? The plain reality is that reactor sites have been pre-selected and the public merely "invited to comment" post-hoc. There is a world of a difference between an invitation to comment on the Government's pre-identified reactor site and an open invitation for any community to come forward as volunteering to host the siting, construction and operation of any nuclear power station in Wales, prior to site short

⁹ Radioactive Waste Management Limited is a wholly owned subsidiary of the Nuclear Decommissioning Authority. The latter, in turn, is a UK-wide Non-Departmental Public Body, operating under the aegis of the Department for Business, Energy & Industrial Strategy.

listing. Perversely, the latter approach applies to nuclear waste disposal¹⁰ but not to nuclear waste creation.

5.3.4 Policy 22 – determining applications for nuclear energy proposals: NDF misconception

- 5.3.4.1 The wording of Policy 22 risks engendering misconception and misunderstanding in lay mind. The Policy fails to disclose lack of Welsh jurisdiction on consents for new nuclear energy applications in Wales exceeding 350 megawatt generating capacity¹¹. As it stands, Policy 22 conveys a false impression that development consent for new nuclear power stations is a devolved matter. Namely, that the provisions of the Town and Country Planning Act 1990 apply, which in fact govern all other developments under the proposed NDF.
- 5.3.4.2 Under the Planning Act 2008, the determination of applications for new nuclear power reactors anywhere in Wales rests solely with the UK Secretary of State, not with Welsh Ministers. Furthermore, the Office of the UK Secretary of State exercises constitutional powers capable of overriding Welsh Ministers and, indeed, a Welsh NDF. Currently, an Application on behalf of Hitachi Limited for a replacement nuclear power station at Wylfa (comprising twin Advanced Boiling Water Reactors) awaits determination by the UK Secretary of State¹². Despite devolution, the Welsh Government's standing during the Planning Examination into Hitachi's Application was the same as that of an ordinary citizen in Wales, under the Planning Act 2008. Namely, simply an "Interested Party", the same as Local Authorities. In other words, the Welsh Government was in effect just another provincial administrator for the purposes of the 2008 Act.
- 5.3.4.3 Moreover, there is no analysis in the Consultation NDF of the scale of need for non-renewable energy electricity generation in Wales by 2040. The Welsh Government adduces no evidence on need for any nuclear power contribution towards Wales' energy mix by 2040.
- 5.3.4.4 Under the circumstances, the inclusion of nuclear energy generation in NDF Policy 22 is self evidently unjustified. It is anachronistic in terms of devolved planning jurisdiction. The NDF is concerned properly with the exercise of development control over future development of land in Wales under devolved planning powers. Inclusion of nuclear energy generation in Policy 22 therefore appears misplaced, unwarranted and merits deletion.
- 5.3.4.5 To the extent the Welsh Government resists para.5.3.4.4 above, the Government is respectfully requested to,
- a. either convene a nation wide Citizens' Assembly to deliberate the issue; or,
 - b. conduct a referendum on each proposed new nuclear power project, on case by case basis. Each referendum should have the following twin thresholds: 70% electoral turn out; and, 70% of the total valid votes favouring the winning option.
- 5.3.4.6 The Welsh Government should also cease providing continuing or further funding for the Nuclear Futures Institute and the Boiling Water Reactor Research Hub and Network, both at Bangor University. Funding should be redirected under the NDF toward:
- a. large scale hydrogen hub in North Wales for the production of hydrogen (utilising combined biological resource and 24/7 maximised operation of marine and wind energy

¹⁰ Welsh Government (2019) Geological Disposal of Higher Activity Radioactive Waste: Working with Communities. WG36849, January 2019. Available at: <https://gov.wales/docs/desh/publications/190116-geological-disposal-of-higher-activity-radioactive-waste-working-with-communities-en.pdf>

¹¹ Sub-section 39(4) of the Wales Act 2017 amended the generating capacity threshold under sub-section 15(3) of the Planning Act 2008.

¹² BEIS (2019) Request for information and comments on the Application, and Notification of the Secretary of State's Decision to set a new date for Determination of the Application - EN010007. Wylfa Consultation Letter. Department of Business, Energy and Industrial Strategy, 23 October 2019. Available at: [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010007/EN010007-003869-FINAL%20\(Welsh\)%20-%20BEIS%20Wylfa%20Consultation%20Letter.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010007/EN010007-003869-FINAL%20(Welsh)%20-%20BEIS%20Wylfa%20Consultation%20Letter.pdf)

sources, supplemented with solar generation); nation-wide distribution arrangements; and establishing assured supply and storage reserves: see para.5.3.1.1-5.3.1.3, inclusive, above;

- b. major R&D innovation centres for the development of requisite technology and safety protocols, and large scale roll-out of hydrogen fuel to displace existing natural gas utilisation in commercial, domestic and industrial sectors; and,
- c. a remodelling of the Anglesey Energy Island programme along the most efficacious combined outcomes from the Isles of Scilly Smart Islands projects, and the Orkney Energy Islands' Energy schemes and associated energy self sufficiency ventures: see para 5.3.2.1.a, above.

6. Further comments

- Are there any further comments that you would like to make on the NDF, or any alternative proposals you feel we should consider?

6.1 Gaming planning jurisdictions under the Planning Act 2008

6.1.1 According to the Consultation Draft, at page 9,

"The NDF ensures the aims of the planning system across Wales are consistent with, and support the delivery of, Welsh Government policies."

6.1.2 In that regard, the amendment of section 115 of the Planning Act 2008 (PA2008) under section 43 of the Wales Act 2017 should be repealed. The amendment has the effect of reversing devolved planning jurisdiction, granting power to the UK Secretary of State to determine consents for associated developments in Wales. This is not progressive devolution. All associated developments accompanying any PA2008 section 15 application should remain firmly under exclusive devolved planning jurisdiction, for local determination under the Town and Country Planning Act 1990. Colonisation by the UK Secretary of State is wholly unwarranted. Exclusive jurisdiction should revert to Welsh Ministers.

6.1.3 Similarly, the devolved development consenting regime in Wales under the Marine and Coastal Access Act 2009 should be strengthened and ring fenced to prevent the UK Secretary of State from exercising any jurisdiction on determination of consents for marine developments in Wales, pursuant to PA2008 section 120. It is unseemly for Natural Resources Wales and Welsh Ministers to have to request the Secretary of State for permission to continue exercising exclusive jurisdiction.

6.1.4 The Welsh Government should also seek to neutralise the Secretary of State's powers under PA2008 section 120, which enable developers to circumvent devolved planning jurisdiction on a raft of other consents matters accompanying any PA2008 section 15 application.

6.2 Welsh Government's Declaration of Climate Emergency

6.2.1 The Welsh Government declared a Climate Emergency on 29th April 2019¹³. However, it is not clear from the NDF Consultation Draft,


- a. how each Policy reflects the Emergency Declaration;
- b. what Climate Emergency amelioration could be expected by 2040; and,
- c. what would climate resilient settlements and infrastructure look like by 2040.

¹³ Griffiths, L (2019) Written statement: Welsh Government declares Climate Emergency. Cabinet statement, Minister for Environment, Energy and Rural Affairs. Welsh Government 30 April 2019. Available at: <https://gov.wales/written-statement-welsh-government-declares-climate-emergency>

6.3 Citizens' Assembly and the NDF

- 6.3.1 The Welsh Government should hold back from finalising the proposed NDF following the outcome of this Consultation.
- a. The Government should instead convene a Citizens' Assembly to consider afresh the entire content of a Revised Draft NDF from the outcome of this Consultation.
 - b. The Citizens' Assembly should be unencumbered by the content of any Revised Draft NDF.
 - c. The Government should adopt the resulting recommendations.

7. Are you...?

Providing your own personal response 

15.11.2019