

**From:** jc ynni  
**Sent:** 09 January 2012 00:57  
**To:** Robert Ranger  
**Subject:** follow up clarification request: Associated developments re any proposed new nuclear power station in Wales

**FAO: Robert Ranger**  
Case Officer  
Infrastructure Planning Commission  
Bristol

Dear Sir,

Thank you for your kind reply of 25<sup>th</sup> November 2011. Perhaps I may be permitted to request follow-up clarification.

At numbered point 5 in your reply (in the Wales context), you refer to "prejudice", were the IPC to clarify apriori the planning consent status of on-site interim radioactive waste/spent nuclear fuel storage facilities, relative to the core NSIP status of a new nuclear generating station.

You express concern such clarification may prejudice an appointed Commissioner's future decision on acceptability for proceeding to examination of any future application for a new nuclear power station at Wylfa. If I may express my ignorance, it is not clear how or what "prejudice" could materially constrain, hamper, hinder or taint a decision in question.

Consider, for example, the respective EIA Scoping Reports on Hinkley Point C and Wylfa. In the EIA Scoping Report on Hinkley Point C, EDF Energy (January 2010) expressly listed interim spent nuclear fuel stores as an associated development (para.3.3.1, referring). Whereas, the EIA Scoping Report on Wylfa prepared by Horizon Nuclear Power Wylfa Limited (November 2009), lacked clarity on proper categorisation of the same development element.

In terms of efficacious public administration, does clarity merit public interest consideration? Particularly, in the instance where a specific additional element (an on-site interim spent nuclear fuel storage facility, designed to remain on-site at least until 2180, some 100 years beyond the 60-year operating life of the core NSIP) should apparently be aggregated together with a core NSIP (a nuclear generating station itself).

yours faithfully,

j chanay

----- Original Message -----

**From:** Robert Ranger

**To:**

**Sent:** Friday, November 25, 2011 11:15 AM

**Subject:** RE: Associated developments re any proposed new nuclear power station in Wales

Dear Sir/Madam,

Thank you for your email. I am writing further to my colleague's email of 22 November 2011.

Many of your questions are answered in the CLG publication "*Guidance on associated development: Applications to the Infrastructure Planning Commission (September 2009)*", which can be found at <http://infrastructure.independent.gov.uk/wp->

<content/uploads/2009/08/guidanceassocdevelopment.pdf>. I have provided brief answers below, using your numbering.

1) An application for a Nationally Significant Infrastructure Project (NSIP) in England can include associated development, which is development subordinate to and necessary for the development and effective operation to the design capacity of the NSIP.

In Wales, however, associated development is limited to surface works, boreholes and pipes in connection with underground gas storage facilities (see section 115(4) of the Planning Act 2008 (PA 2008)). In effect, therefore, NSIP applications in Wales cannot include associated development to the same extent that they can in England.

There is no comprehensive list of what is capable of being associated development, besides the restrictions set out in section 115 of the PA 2008. Applicants are also required to have regard to guidance issued under section 50 of the PA 2008 which includes the CLG Guidance on associated development referred to above. Annex A of this guidance document provides examples of the type of development that may qualify as associated development although it should be noted that this list is neither exhaustive nor prescriptive. Whether or not any part of the proposed development is associated development will be dependant upon the particular circumstances of the case.

2) The fact that an application for development had been made in the past under the Town and Country Planning Act 1990 (TCPA) regime and had been unsuccessful would not prevent further TCPA applications being made for similar schemes. Associated development cannot be applied for to the IPC separately from the NSIP to which it relates.

3) Associated development cannot be applied for to the IPC separately from the NSIP to which it relates.

4) A full record of all advice given relating to the application for a new nuclear power station at Wylfa can be found on the project page on the IPC website, at <http://infrastructure.independent.gov.uk/projects/wales/wylfa-new-nuclear-power-station/>.

5) The IPC is not able to give a definitive formal opinion about how any 'interim radioactive waste storage facility' would be considered. To do so could prejudice the decision of the appointed Commissioner(s) as to whether or not to accept any future application to proceed to examination.

Yours,

Robert

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**From:** jc ynni  
**Sent:** Tuesday, November 22, 2011 9:25 AM  
**To:** IPC Enquiries  
**Subject:** Associated developments re any proposed new nuclear power station in Wales

Dear Sir/Madam,

#### **ASSOCIATED DEVELOPMENTS AT ANY PROPOSED NEW NUCLEAR POWER STATION IN WALES**

Perhaps you'd kindly clarify the following issues, as regarding any proposed new nuclear power station development anywhere in Wales.

- (1) Whether the IPC have identified a comprehensive list of precisely what comprises an Associated Development (the Planning Act 2008 and the interaction with devolved planning powers, referring).
- (2) Linkage (if any) between the IPC and the relevant planning consent decision making process on such Associated Development. And, whether under parallel consents option, a developer could apply to the IPC for a DCO for an Associated Development subsequent to consent refusal by the normal decision maker (namely, an appropriate LPA or WAG under the devolved system), and any applicable time limit.
- (3) The circumstance(s) under which the IPC is able to consider a DCO for any Associated Development and the relevant criteria for an application.
- (4) Whether, during the pre-submission phase to date, there has been any discussion/suggestion, or agreement proposed, on including any Associated Development in a DCO. And, if so, the details involved.
- (5) Having regard to para.3.35 of the IPC Scoping Opinion for proposed nuclear power station at Wylfa (April 2010), whether the IPC treats the construction of any interim radioactive waste storage facility in Wales as integral to the primary NSIP, an Associated Development or as an NSIP in its own right. Further, should the IPC not be the planning consent decision making body in the first instance on nuclear waste stores, whether there has been any intimation by any party (during the pre-submission phase to date) for delegated consent consideration instead by the IPC under an inclusive DCO.

yours faithfully

j chanay

Bangor

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