

Planning Inspectorate ref: EN020026

My ID: [REDACTED]

I would like to object in the strongest terms to this attempt by the Applicant to [REDACTED] the Department for Energy Security and Net Zero Policy Paper “Building our nuclear nation: government response to the Nuclear Regulatory Review 2025”. The title alone should give the reader sufficient information to realise that this policy paper has no relevance to the Sea Link project.

### 1) Introduction

The government had concerns that “*the UK has struggled to bring new nuclear power stations online at the pace, scale or cost required to meet our future energy needs*”. In January 2025, the Prime Minister commissioned an independent Nuclear Regulatory Taskforce, led by economist John Fingleton, to look at how to modernise and strengthen the UK’s regulatory system for both civil and defence nuclear. The Taskforce published its final report in November 2025, setting out 47 recommendations.

### 2) The Claim by the Applicant

The Applicant in AS-167 is attempting to use recommendation 30 to justify changing the requirements within the Sea Link DCO and quotes this response from the Government

*“The government accepts this recommendation [30]. DESNZ will establish a new unit within its Infrastructure Planning Delivery team to consolidate and deliver post-consent discharge functions in consultation with Local Authority Planning Departments. This will speed up decisions on the meeting of post-consent requirements. This will be focussed initially on nuclear power and electricity networks projects, with a view to extending this to other types of energy projects if evaluation of its effectiveness supports its expansion.”*

It then goes on to misquote recommendation 30 by using the words “*the commitment for DESNZ to establish a new unit to deal with post-consent discharge functions for electricity networks projects*”. This conveniently ignores the fact that recommendation 30 stipulates that this new unit is for “**DCOs relating to nuclear development**” and that any expansion into other types of energy projects will only occur “***if evaluation of its effectiveness supports its expansion***”.

The Applicant was fully aware of the actual wording because it had quoted it in AS-167 para 1.1.2.

Although the government may consider applying these recommendations to other sectors in the future following evaluation, the 47 recommendations apply specifically to the nuclear industry and not to offshore interconnectors like Sea Link at the time of examination.

I know the Ex A will have read the policy paper and the report in full, but for the benefit of interested parties, and in case the Applicant attempts to take comfort from other recommendations, I have summarised all the responses by the Government to the 47 recommendations in the appendix at the end of this document. I have added clarification where I felt it necessary as N.B. points.

### 3) Significance of the change proposed

The DCO process for Sea Link has been conducted on the assumption that it will be the named relevant local and statutory authorities who will discharge the requirements within the DCO. For this to be

changed at this late stage represents a material change to the post-consent governance of the project as to who determines compliance with the requirements.

Worst still, the Applicant is proposing that it is they, the undertaker, who decides on a case-by-case basis whether it is the new (so far not even established) DESNZ unit or the local authority named in that part of the DCO that discharges the requirement. This introduces a discretion that has not been justified and creates the potential for inconsistent or preferential selection of decision-maker and is totally unacceptable.

I find it astonishing that the Applicant should attempt to make such a claim this far into the process and with no justification, and I suspect the Ex A will feel the same way. This would materially alter the control regime against which impacts and mitigation have been assessed, without that regime having been examined.

David Stevens.

## **APPENDIX**

### **Government response to the 47 recommendations**

- 1) HMG Strategic Steer to the Nuclear Sector - setting out nuclear as a national priority.
- 2) Establish a collective decision-making body for regulatory decisions - UK's first Nuclear Commission.
- 3) To make the Office for Nuclear Regulation (ONR) as the default lead regulator for the nuclear fission sector.
- 4) To merge the ONR and the Defence Nuclear Safety Regulator (DNSR) into one regulatory body.
- 5) To Reset safety case development and agree a strategic direction for nuclear safety direction by the end of Summer 2026.
- 6) The Government should define the tolerability of risk for nuclear.
- 7) Review nuclear regulator guidance in line with revised tolerability of risk.
- 8) Define the meaning of proportionality in the Health and Safety at Work Act as applied to Nuclear installations.
- 9) Establish an enterprise-wide system of portfolio risk management across the defence and decommissioning sectors as applied to Nuclear installations.
- 10) Review arrangements to prevent conflation of nuclear and conventional risks.
- 11) Amendments to the Habitats Regulations  
N.B. This relates to Chapter 7 of the Nuclear Regulatory Review 2025 by John Fingleton which "covers the interactions between environmental regulations and the nuclear sector"
- 12) Developers of nuclear projects should have an alternative way to comply with the Habitats Regulations.
- 13) Proportionality in the Environmental Impact Assessment (EIA) regime.  
N.B. This is dealt with in Chapter 7 "interactions between environmental regulations and the nuclear sector".
- 14) Allow the development of "Modular Low-Carbon Acceleration Zones" and utilise the approach for existing nuclear defence sites and GBE-N sites where multiple reactors are, or could be, proposed.
- 15) One and done assessments and reversal of the Finch judgment for low-carbon electricity projects  
N.B. From Chapter 7 "interactions between environmental regulations and the nuclear sector"
- 16) Increase data-sharing, and transparency on environmental data involving the Nuclear Decommissioning Authority (NDA).

- 17) Nuclear developers should have greater assurance around permitting timelines and confidence that the EA will process applications efficiently.
- 18) Implementation of Biodiversity Net Gain (BNG) which, working alongside the changes DEFRA are proposing for BNG for NSIPs, this will enable the *“MOD to strategically and flexibly manage biodiversity enhancements across its estate, driving efficiencies and maximising wider benefits”*.
- 19) Remove or constrain the National Park Duty in Levelling Up and Regeneration Act 2023 (LURA). N.B. Although this was covered in Chapter 7 as described above it is not hard to see how this might be applied to other NSIPs in the future.
- 20) Amend the cost cap for judicial reviews and limit legal challenges to Nationally Strategic Infrastructure Projects (NSIPs) to a ‘single bite of the cherry’.
- 21) The government should commit to indemnifying nuclear developers against any damages they incur as a result of proceeding with their project while a judicial review is being decided.
- 22) Proportionate regulatory control of radioactively contaminated structures and infrastructure.
- 23) Proportionality in permitting for decommissioning activities with Nuclear installations.
- 24) Improving the application of Critical National Priority (CNP). The Government has made changes to strengthen the policy presumption of Critical National Priority in both the new National Policy Statement (NPS) for Nuclear Energy Generation (EN-7) and the Overarching National Policy Statement for Energy (EN-1), and these changes are in line with the recommendation.
- 25) Guidance issued by MHCLG is updated to streamline the Development Consent Order (DCO) regime. The Government will introduce new National Infrastructure Planning Guidance by Summer 2026 which will deliver the principle of Recommendation 25.  
N.B. This will only apply to future DCOs.
- 26) Interim Development Consent Order (DCO) Recommendation Report.  
N.B. This is proposing changes for the future.
- 27) An amendment to the Planning Act 2008 to require ‘minded to’ letters.  
N.B. It is not clear if this is relevant to the Sea Link DCO.
- 28) Reinstatement of the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009.  
N.B. This only applies to future DCOs.
- 29) Consider repeal of section 150 of the Planning Act.  
N.B. No decision has been made on this by the Government.
- 30) Establish a unit to discharge Development Consent Order (DCO) requirements but recommendation 30 from the Nuclear Regulatory Taskforce makes clear that it should be the DESNZ and MOD that should establish a unit which discharges DCO Requirements. It goes on to say “Guidance issued by MHCLG should be updated to endorse the use of this unit as the discharging authority for DCOs relating to nuclear development”.  
N.B. Recommendation 30 does not apply to Sea Link.
- 31) Streamlining the conventional planning regime via Special Development Orders (SDO) for nuclear power and automatic approvals
- 32) Encouraging fleet approaches in EN- 7. Our international peers have achieved significant time and cost savings in nuclear delivery by adopting a fleet approach.
- 33) Creating a new pathway to allow semi-urban power stations with the aim of increasing the number of potentially suitable sites available for all classes of reactor – not just light water – whilst maintaining rigorous public safety.
- 34) Proportionate Outline Planning Zones and Detailed Emergency Planning Zones under Radiation (Emergency Preparedness and Public Information Regulations) 2019 (REPP19).
- 35) Streamlining regulatory justification and the Government will work with GBE-N to submit a regulatory justification application to Defra within the next 6 months seeking a determination under Regulation 12 for all Light Water Reactors.

- 36) Proposals in relation to community benefits. For example, Sizewell C's Regulated Asset Base funding model will facilitate greater investment in training and apprenticeships in the region, as well as reducing long-term energy costs for UK households.
- 37) Equalising the position of the Nuclear Decommissioning Authority (NDA) for the benefit of the Geological Disposal Facility (GDF)
- 38) Boards should assess their organisation's culture, including safety culture, and take decisive steps to align it with delivering their strategic objectives with radical efficiency and effectiveness. N.B. This relates to Chapter 9 which sets out the transformation of the nuclear sector's culture and skills needed to unlock the innovation in technology and practice that are essential for growth.
- 39) The Nuclear Skills Delivery Board should accelerate efforts to build knowledge and experience into a diverse workforce with greater focus on non-technical skills, alongside technical expertise, to meet future needs.
- 40) Enhance the terms and conditions for regulatory roles that require strong technical judgment so that skilled professionals are attracted and retained. This will accelerate processes for nuclear.
- 41) Government and industry should establish a nuclear digital programme to accelerate the take up of digital technologies, including AI, as tools for experts to modernise approaches to whole-life safety and regulation.
- 42) Develop and fund a joint government and regulator international strategy and action plan. N.B. This relates to chapter 10 which discusses the global nature of nuclear energy, diverse national regulatory frameworks, and the UK's role in advancing international harmonisation and collaboration in nuclear regulation.
- 43) Government should ensure risk-based proportionality in export licences and establish a dedicated point of contact for nuclear export licensing issues.
- 44) The Office for Nuclear Regulation (ONR) should revise its charging model to give duty holders greater cost certainty and support self-investment in capability and international engagement
- 45) Public and private efforts to reduce gold-plating and risk aversion. The government will explore contracting mechanisms that incentivise more proportionate solutions for delivering nuclear projects to As Low As Reasonably Practicable (ALARP).
- 46) Government should reduce uncertainty on the release of sites for future nuclear projects.
- 47) Government should establish a delivery plan and corresponding oversight to ensure timely delivery of the recommendations set out in this report. Delivery will be overseen by a Nuclear Regulatory Implementation Panel (NRIP).

David Stevens.