

Planning Reform – Consulting the Secretary of State

1.0 Scope of the consultation

Section 77 of the Town and Country Planning Act 1990 (TCPA 1990) empowers the Secretary of State to make directions requiring applications for planning permission, to be referred to him for determination ('called in') instead of being dealt with by LPAs.

Where an LPA is minded to grant permission for a planning application of a kind specified by this Direction, the LPA must first consult the Secretary of State. When consulted, the Secretary of State will then go on to consider whether or not to then call in the application for his own determination.

Government has already announced its intention to issue a new direction requiring consultation with the Secretary of State in respect of an application for 150 or more homes which an LPA is minded to refuse. This consultation seeks views on 3 further proposals for consultation requirements.

This consultation is set out in 3 sections:

1. A new proposal for a requirement to consult the Secretary of State where LPAs are minded to refuse planning permission for specified commercial development.
2. A new proposal for a requirement to consult the Secretary of State on certain applications relating to nuclear facilities where LPAs are minded to refuse planning permission; and
3. A new proposal for a requirement to consult the Secretary of State whereby applications for planning permission for residential development within a Defence Detailed Emergency Planning Zone where the Office for Nuclear Regulation and / or a Local Authority's Emergency Planning Team has made (and not withdrawn) an objection, where the LPA are minded to grant permission. This requirement would have a limited geographical extent (4 LPAs).

2.0 Section 1

A new consultation direction is proposed which requires consulting the Secretary of State on applications for commercial development with a floorspace of 15,000m² or more where an LPA intends to refuse permission. This is to ensure that large scale, strategic developments are considered for potential call-in, in order to reflect the Government's priority of promoting economic growth.

Consultation questions

Question 1

Do you agree with this proposed consultation requirement for applications for large-scale, strategic commercial development where an LPA is minded to refuse?

Yes

Question 2

Do you consider the proposed area threshold of 15,000m² or more to be appropriate?

Yes

3.0 Section 2

Many new nuclear projects are classed as Nationally Significant Infrastructure Projects (NSIPs), and so fall out of scope of Town and Country Planning. However, certain development associated with decommissioning and the nuclear fuel supply chain does require planning consent under the TCPA 1990.

The UK has a nuclear legacy of research, reactor development and defence programmes initiated during and after the Second World War. This includes the first generation of commercial nuclear power stations and fuel-cycle facilities. Today, the Nuclear Decommissioning Authority (NDA), an arm's length body of the Department for Energy Security and Net Zero, is charged with the decommissioning and clean-up of this legacy. The UK government aims to drive better, earlier, and more cost-effective solutions to decommissioning and clean-up.

Decommissioning work includes demolition of buildings, construction of new facilities for storing or processing waste and other radioactive material, and the disposal of waste on-site (subject to an environmental permit). The NDA and its subsidiaries regularly submit planning applications for these decommissioning activities. While the NDA has historically had low levels of planning refusals, as decommissioning across the country progresses, several work streams will reach stages where project delays have the potential to cause increased costs to the taxpayer. Where a LPA is minded to refuse an application, the proposed consultation direction would require the Secretary of State to be notified enabling consideration of whether he should exercise his "call in" powers. Any such application would be assessed against the policy on calling in applications.

UK government is investing in the UK's domestic nuclear fuel supply chain to power the next generation of Advanced Nuclear Technologies. The recently published [Advanced Nuclear Framework](#) sets out a direction on future fuel development. Presently, uranium enrichment and fuel fabrication take place at Capenhurst and Springfields in Northwest England, on land owned by the NDA. Nuclear fuel cycle facilities require a nuclear licence in the UK under the Nuclear Installations Act 1965 and associated regulations. However, for completely new

ventures, it is likely that planning permission may need to be sought before a nuclear licence is in place. We propose the new consultation direction covers such applications.

In summary, it is proposed the consultation direction apply to:

1. Applications relating to land owned or leased by the NDA (or one of its subsidiaries).
2. Applications relating to nuclear fuel cycle facilities, including facilities for uranium conversion, enrichment, deconversion, nuclear fuel manufacture, or associated production processes.

Consultation questions

Question 3

Do you agree with the proposed consultation requirement for applications relating to land owned or leased by the NDA or its subsidiaries where the LPA is minded to refuse?

Yes

Question 4

Do you agree with the proposed consultation requirement for applications relating to nuclear fuel cycle facilities where the LPA is minded to refuse?

Yes

4.0 Section 3

Section 3 relates to Defence Detailed Emergency Planning Zone and more specifically 4 Local Authority areas:

- Basingstoke and Deane
- Reading
- West Berkshire
- Wokingham

Given its limited geographical scope it is not proposed to comment.