



JOINT PRESS RELEASE FROM SOMERSET COUNTY COUNCIL, SEDGEMOOR DISTRICT COUNCIL AND WEST SOMERSET COUNCIL

Councils to Consider PPAs for Possible Major Planning Application

Following a decision in January 2008 by the Government to give the go-ahead for a new generation of nuclear power stations to be built, EDF Energy nominated Hinkley Point as a site to build a twin unit European Pressurised Reactor (EPR).

The Government will be consulting on sites to be included in its National Policy Statement for Nuclear Energy in autumn 2009. EDF Energy is likely to be consulting on the details of their proposal for Hinkley Point in autumn 2009.

If the Hinkley Point proposals are progressed by EDF Energy and the Government, West Somerset, Sedgemoor District and Somerset County Councils will have to deal with a number of complex preparatory work proposals prior to the main application being submitted to the Infrastructure Planning Commission (IPC). The councils will also be expected to advise the IPC about the local impacts of the main application.

The authorities have a duty to the community and environment to ensure that any proposals put forward are robustly examined and challenged, and that the communities affected are at the heart of any decision on the proposals.

Planning applications of this nature are highly complex and technical applications which require specialists in areas such as marine, landscape and environmental fields, and on transport, infrastructure and social issues, to assess any potential impacts and implications for local people, the county and beyond.

Since Hinkley C was nominated earlier this year, the three authorities consistently made a case to Government to ask for additional resources. They wanted to ensure that Somerset's council taxpayers are not burdened with dealing with the local consequences of a national project and there is effective scrutiny of the proposals at the Somerset level, should the proposals proceed.

Adrian Dyer, Executive Director of West Somerset Council, said, "It is understood that EDF Energy may be submitting some applications for preparatory works shortly, some of which may require consideration by the councils.

"Should the Government approve Hinkley Point as a site for nuclear development and EDF decides to proceed, it will involve all three local councils in numerous and complex planning applications and associated processes.

"With no talk of nuclear power development on the agenda until recently, and the last local development completing nearly 40 years' ago, none of the councils have the expertise necessary to deal with large-scale complex major applications of this unique nature."

However, the Government has consistently advised that it would not supply resources or funding. The latest joint letter from the Department of Communities and Local Government

and the Department of Energy and Climate Change dated July 16 quite clearly confirms this point, and states: 'However, where a local planning authority receives a request for pre-application advice that requires substantially more resources than is normal, it is open to them to recover costs by charging a fee under section 93 of the Local Government Act 2003', and also states: '...the Government believes that where the size and importance of a proposal makes it appropriate, local authorities should seek to agree PPAs with developers'.

The Government formally introduced the concept of PPAs into the planning system on 6 April 2008¹. They can be used for any major planning proposal but are primarily aimed at complex development proposals.

PPAs are designed to improve the quality of planning applications and the decision making process through collaboration. They bring together local planning authorities, the developer and key stakeholders at an early stage to work together in partnership through the whole planning process.

It is a collaborative project management system that provides greater certainty and transparency to planning application assessment and decision making.

As the councils lack the capacity to deal with the impacts of a major development of this nature, their only option is to follow the Government's advice on the premise that EDF intends to proceed with the application if the Government approves the site.

Doug Bamsey, Corporate Director for Sedgemoor District Council, said, "It is important to stress that while a PPA would pay for the resources the councils need to process the applications, the councils would interview, appoint and employ the staff or consultants completely independently of EDF Energy.

"The final decision as to whether new generation nuclear power development goes ahead in Somerset lies with the Infrastructure Planning Commission, not local authorities. Our duty is to ensure that any proposals put forward are thoroughly examined and that any impact on our communities and our environment is considered, and this involves a very real need for additional resource.

"It is only through thorough and complete scrutiny of the proposals that any potential impacts on our community can be brought to the attention of the deciding authority, the Infrastructure Planning Commission."

Since the Government advised the councils of the need to seek a PPA, the Somerset Nuclear Energy Group has been working closely with the Advisory Team for Large Applications² (ATLAS) and has been in discussion with the developer to consider the content of a proposed PPA.

This work has been undertaken with the aim of ensuring that any future proposals could be dealt with efficiently and effectively, and without burdening local taxpayers or impacting negatively on the services provided to the community submitting private planning applications.

Whilst it is not a total solution in terms of resources and may cause concern from certain parties which desire absolute separation between local planning authorities and the nuclear industry, a PPA is an entirely legitimate mechanism which is supported by Central Government. PPAs are not entered into with any expectation of a particular outcome in the planning process.

William Wallace, a Somerset County Council Cabinet Member who represents the authority on the Somerset Nuclear Energy Group, said, "Whilst all three councils would have preferred central Government to provide the necessary resources for local authorities to advise on this large and complex development, we have reluctantly accepted that this is very unlikely to happen. Government have advised us to work with EDF on a Planning Performance Agreement. This is a formal document, which enables us to engage appropriately in the process and ensure that local people are properly consulted. What it does not commit us to is any particular decision or consultation response. Our judgements will be based on the facts and the views of our community."

The PPA will be considered by each of the councils and would require their agreement. If approved, the agreement does not interfere with the councils' duties to properly consider and determine any applications in relation to any future proposals. It is designed to allow councils to manage the process efficiently and impartially.

PPAs are designed so that they will not impair the authorities' ability to determine planning applications for preliminary works and associated activities as it sees fit, nor will it fetter their response and involvement in any proposal submitted to the Infrastructure Planning Commission, which will ultimately decide the proposal.

The PPA relates purely to the process of considering development proposals and the councils' ability to fully consider all the issues at stake, not the decision itself.

If approved, the agreement would be entered into by the councils under section 111 of the Local Government Act 1972, section 2 of the Local Government Act 2000 and section 93 of the Local Government Act 2003.

END

EDITORS' NOTES:

- ¹ The concept of PPAs evolved from an idea put forward in the 2001 Planning Green Paper, through to a pilot project in 2006 on the use of 'planning delivery agreements', which involved 23 schemes. The vast majority of participants the public and private sectors recognised the value that some form of agreement could add in terms of improving the quality of process and outcome, and giving greater robustness to decision making. The Communities and Local Government response is contained within their consultation document and was announced in the Planning White Paper 2007.
- ² The three councils are working closely with ATLAS (Advisory Team for Large Applications). ATLAS is hosted by the Homes and Communities Agency, and works directly with local authorities, developers and other key stakeholders to provide free advice to assist in the delivery of high quality and sustainable development, through all stages of the planning process. The team has over 40 live projects at any given time. Importantly, ATLAS considers that the critical success factors to these projects are equally applicable to Nationally Significant Infrastructure Projects.

ATLAS facilitated a 'scoping' meeting and the inception day for the PPA on July 9 where members of the Somerset Nuclear Energy Group (SNEG) reviewed and challenged the proposed PPA framework, prior to further consideration by SNEG the following week, and subsequent approval processes by constituent member authorities.

- PPA reports will be considered by West Somerset Council on July 22, Sedgemoor District Council on August 12 and Somerset County Council on September 16.