

Response to Consultation on National Policy Statement for Geological Disposal Facility

April 2018

1. The Campaign for National Parks is the independent national voice for the 13 National Parks in England and Wales. Our mission is to inspire everyone to enjoy and look after National Parks – the nation’s green treasures. We have been campaigning for over 80 years to ensure that our National Parks are beautiful, inspirational places that are relevant, valued and protected for all. Our response has been endorsed by the nine National Park Societies in England.
2. This response starts with some general comments about the planning protection for National Parks and geological suitability and then sets out specific responses to some of the consultation questions. Our comments focus primarily on National Parks in line with our remit. However, many of the points we raise also apply to Areas of Outstanding Natural Beauty (AONBs).

Planning protection for National Parks

3. We are very concerned that in developing this National Policy Statement (NPS) there has not been appropriate consideration given to the strong protection that exists for National Parks in national planning policy. National Parks are our finest landscapes with the highest level of protection. Their statutory purposes as set out in the *Environment Act 1995* are:
 - to conserve and enhance wildlife, cultural heritage and natural beauty; and
 - to promote opportunities for public enjoyment and understanding of their special qualities.
4. In pursuing these purposes, National Park Authorities (NPAs) also have a statutory duty to seek to foster the economic and social well-being of communities living within the National Park. Furthermore, the *Environment Act 1995* states that in those cases where there is a conflict between the purposes and reconciliation proves impossible, the first purpose should take precedence. This is known as the Sandford Principle.
5. The National Planning Policy Framework (NPPF) sets out the extra protection afforded National Parks under the planning system and in paragraph 115 states that ‘great weight should be given to conserving landscape and scenic beauty’ in National Parks and Areas of Outstanding Natural Beauty. Paragraph 116 of the NPPF goes on to set out the strong presumption against major development in these areas ‘except in exceptional circumstances and where it can be demonstrated they are in the public interest.’

6. The draft NPPF which has recently been published for consultation also states that ‘the scale and extent of development within these designated areas should be limited.’ In addition, the Government emphasised the additional planning protection for National Parks in the recent 25 Year Environment Plan¹ (page 57) alongside strong support for greater enhancement of our landscapes.
7. National Parks contribute significantly to the well-being of the nation, by providing safe, attractive, healthy places for recreation. They also deliver key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change. As well as being inspiring places for people to enjoy and improve their health and well-being, National Parks make a significant contribution to the economy through tourism, farming, and other related businesses. The English National Parks currently attract 94 million visitors a year, who spend more than £5 billion and support 75,000 full time equivalent tourism related jobs².
8. All public bodies have a duty to take account of the potential effect of their decisions and activities on National Park purposes, including activities undertaken outside National Park boundaries which may affect land within them³. This means that **the Department for Business, Energy and Industrial Strategy (BEIS) should be seeking to conserve and enhance National Parks and their settings through all of its activities and should be placing a much stronger emphasis on ensuring that the creation of the Geological Disposal Facility (GDF) does not have a detrimental impact on National Parks and their settings.**

Geological Suitability

9. We are also concerned that the NPS takes no account of the most suitable geologies for geological disposal of high level radioactive waste. A GDF can only be safely constructed within a suitable geology which allows long term containment of radioactivity. Internationally, these suitable geologies have been defined as impermeable lithologies such as clay or salt⁴. This means that areas where the geology is unsuitable should be excluded from the NPS and communities in these areas should be prevented from volunteering through the working with communities process.
10. By failing to consider the most suitable geology, BEIS has not adopted the precautionary principle in the development of this NPS. The role of geology is vital to the process as there are no engineering solutions available which would contain the waste for the required geological timescales (up to 100,000 years). It is therefore inevitable that a more site-specific approach will be needed for the NPS which only allows for the GDF to be sited in areas which are geologically suitable.

¹<https://www.gov.uk/government/publications/25-year-environment-plan>

²http://www.nationalparksengland.org.uk/__data/assets/pdf_file/0015/1070313/INFOGRAPHIC-2017-hires.pdf

³ This requirement is in Section 11A(2) of the *National Parks and Access to the Countryside Act 1949* as amended by Section 62(2) of the *Environment Act 1995* and is often referred to as ‘the S62 duty’.

⁴ Professor D K Smythe <https://cumbriatrust.files.wordpress.com/2013/12/prof-smythe.pdf>

Responses to selected consultation questions

Q2. Do the assessment criteria adequately address the principles that the developer, the Planning Inspectorate and the Secretary of State should take into account in an application for development consent? If not, what further information on the assessment criteria is required?

11. No, the assessment criteria must include exclusionary criteria for areas which are designated as National Parks and AONBs. Doing this would demonstrate the Government's commitment to its own policies and legislation on designated landscapes and ensure that the development of the NPS takes full account of the additional planning protection that applies in National Parks and AONBs.
12. Publishing a final NPS which fails to exclude National Parks as possible locations for the proposed GDF would be contrary to long-established Government policy. It would also send out a dangerous message about the value of the additional planning protection for designated landscapes and could lead to increased pressure for inappropriate development in these areas which would be extremely damaging to the environment, undermine the special qualities of National Parks and put at risk the significant economic benefits they provide.

Q3. Does the draft National Policy Statement appropriately cover the impacts of geological disposal infrastructure and potential options to mitigate those impacts? Please provide reasons to support your answer.

13. No, by not considering the impacts of geological disposal infrastructure in relation to the geology of an area, the Government is failing to apply the precautionary principle in the development of this NPS. It is inevitable that the impacts relating to the geological suitability of a particular area will need to be considered before a final decision can be made on the GDF so it would be far more appropriate to rule out areas where the geology is not suitable from the beginning.
14. In addition, the draft NPS does not address the options for mitigating the impacts on designated landscapes appropriately since it does not include criteria which exclude these areas. The best and most appropriate way of mitigating the impact of the GDF on these areas would be to include exclusionary criteria for designated landscapes and their settings. Table 5.16 in the Appraisal of Sustainability (AoS) report identifies that an NPS with exclusionary criteria would deliver significant benefits across a range of AoS objectives including biodiversity, air quality, noise, cultural heritage and landscape and townscape. Having an NPS with exclusionary criteria would also be consistent with the Government's stated aims for National Parks as set out in the revised draft of the NPPF and the 25 Year Environment Plan.

Q4. Do you agree with the findings (of 'likely significant effects') from the Appraisal of Sustainability report and the recommendations for enhancing the positive effects of the draft National Policy Statement? Please provide reasons to support your answer.

15. No, we do not agree that the draft NPS will have positive effects on cultural heritage (AoS Table 5.14) or landscape and townscape (AoS Table 5.15). The development of a GDF is likely to have a significantly negative effect on these objectives if it is

located in a National Park or the setting of one. Including exclusionary criteria for National Parks and AONBs and their settings would help reduce the likelihood of significantly negative effects on cultural heritage, landscape and townscape objectives.

16. We do not believe that sufficient justification has been given for choosing the non-site specific draft NPS. Paragraph 5.162 of the AoS report states: 'In addition, the adoption of exclusionary criteria could result in unintended effects arising from increased development pressure on areas that, whilst not designated, may be sensitive to development (for example, areas at risk of flooding) or have value in terms of, for example, the economy or mineral resources.' However, this is not a reason for not excluding areas which have the highest levels of planning protection. If there are other areas where it would not be appropriate to locate a GDF, then these should be excluded in addition to National Parks and AONBs and their settings.

Q5. Do you agree with the conclusions of the Appraisal of Sustainability report? If not, please explain why.

17. No, we do not agree with the conclusions of the AoS report for the reasons set out in response to questions 3 and 4. In particular, we do not support the reasons for rejecting the draft NPS with exclusionary criteria and we do not agree with the statement in paragraph 6.2 that the draft NPS is likely to have positive effects across all the AoS objectives due to the adverse impact that the development would have on biodiversity, cultural heritage and landscape in National Parks.
18. Paragraph 6.15 clearly states that the draft NPS including exclusionary criteria 'would help to establish clearer parameters for decision-making and could have significant positive effects on the environment by introducing heightened protection from the effects of geological disposal infrastructure to [National Parks and other excluded areas]'. We agree with this statement and believes that it provides a strong justification for selecting this version of the NPS.
19. We are also concerned that the AoS has not taken full account of the wider impacts on National Parks and their settings, including the impact on the economy of these areas which could be significant given that many of the businesses in National Parks, particularly those in tourism and food production, rely on the high quality environment for their success. The possibility that a GDF could be sited in a particular National Park or its setting could have a significant impact on perceptions of the environment of that area and could deter people from visiting or buying products made there.

Q6. Do you agree with the findings from the Habitats Regulations Assessment report for the draft National Policy Statement? Please provide reasons to support your answer.

20. We support the need to protect European Designated Sites and Sites of Special Scientific Interest.

Q7. Do you have any other comments on the draft National Policy Statement and the accompanying documents (Appraisal of Sustainability, Habitats Regulations Assessment)?

21. **We strongly believe that National Parks and their settings are not appropriate locations for a GDF of the scale and nature currently proposed.** We have set out above a number of reasons for excluding these areas from consideration. It is also essential to consider the impacts of all the associated infrastructure requirements as well as the GDF itself. For example, it is extremely unlikely that any location within a National Park or its setting would already have the appropriate transport infrastructure in place to deal with the additional traffic associated with the GDF. There is a long-established presumption against significant road widening or the building of new roads in National Parks which is another reason why it is extremely inappropriate to consider these areas as possible locations for the GDF. However, if they are not to be excluded then it is essential that the NPS includes reference to all relevant policy and clear details of the protections against inappropriate development in National Parks.
22. Paragraph 5.10.6 needs to be amended to include details of the policy on road-building in designated landscapes and a reference to where this is set out in national planning policy. Paragraph 5.152 of the *National Policy Statement for National Networks*⁵ published in 2014 clearly states that “there is a strong presumption against any significant road widening or the building of new roads and strategic rail freight interchanges in a National Park, the Broads and Areas of Outstanding Natural Beauty, unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs **very significantly**. Planning of the Strategic Road Network **should encourage routes that avoid National Parks, the Broads and Areas of Outstanding Natural Beauty.**” (our emphasis).

For further information about any aspect of this response, please contact Ruth Bradshaw, Policy and Research Manager (email:ruthb@cnp.org.uk, tel: 020 7981 0896)

⁵ <https://www.gov.uk/government/publications/national-policy-statement-for-national-networks>