

EIR2025/16578 - Nuclear Regulatory Taskforce Report

From: Mustafa Latif-Aramesh [REDACTED] *12(3)(a) Personal*

Sent on: Thursday, October 30, 2025 2:04:13 PM

To: Sue Ion [REDACTED] *12(3)(a) Personal*, John Fingleton [REDACTED] *12(3)(a) Personal*, markbassetatom [REDACTED] *12(3)(a) Personal*, Andrew Sherry [REDACTED] *12(3)(a) Personal*

CC: [REDACTED] *12(3)(a) Personal*

Subject: National landscapes

[REDACTED] *12(3)(a) Personal* and I just attended a call with Defra, DESNZ and HMT on the national landscapes recommendation. Their view was:

1. It's a new duty, and it may be clarified by 1) court cases between now and when nuclear development comes forward; 2) further guidance could be issued.
2. I said that this was suboptimal and strongly resisted:
 - a. This wording is vague and unhelpful.
 - b. There have been 5 JRs in the 18 months it has been in place, and shows no signs of abating.
 - c. We can see it will be an issue for nuclear development.
 - d. It's costing developers millions of not tens of millions
 - e. It is a delay on development given SoS is deferring decisions on amounts
 - f. Guidance ignores the fact that the groups involved have wildly different goals and expectations.
3. HMT, having heard the exchange, said: "Mustafa, can I encourage you not to self-censor. We wanted ambitious proposals, and if you think this is right as an independent person, this is why the Government established the Taskforce"

They are very likely to say no to this is my reading.

12(3)(a) Personal feel free to fill any gaps/add anything from the above.

Mustafa Latif-Aramesh

Partner & Parliamentary Agent

For TLT LLP

12(3)(a) Personal

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Mustafa Latif
Aramesh [redacted] *12(3)(a) Personal*
[redacted] *12(3)(a) Personal*

Sent on: Friday, June 6, 2025 9:30:46 AM

To: Sue Ion [redacted] *12(3)(a) Personal* John
Fingleton [redacted] *12(3)(a) Personal*

CC: Andrew Sherry [redacted] *12(3)(a) Personal* Mark
Bassett [redacted] *12(3)(a) Personal* [redacted]
[redacted]
[redacted] *12(3)(a) Personal*
[redacted]
[redacted]

Subject: RE: Comments on way forward re report

Sue, all,

I wholeheartedly agree with Sue's email below [redacted]
[redacted] *12(4)(e) Internal Communications* and thanks [redacted] *12(3)(a)...* for the reassurance
in your subsequent email.

I think we should also be flagging:

- * [redacted] *12(4)(e) Internal Communications*
- * Removal of the LURA2023 duty, and 4 other amends to the PiB and suggestions for updated guidance for the NSIP regime (see my previous paper).
- * [redacted] *12(4)(e) Internal Communications*
- * [redacted] *12(4)(e) Internal Communications*

There are two areas we have not touched on which I think will need further thought for the final report: environmental assessment requirements, and grid connections.

Kind regards,

Mustafa

Mustafa Latif-Aramesh

Partner & Parliamentary Agent

For TLT LLP

12(3)(a) Personal

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From: Sue Ion [REDACTED] *12(3)(a) Personal*
Sent: 05 June 2025 20:14
To: John Fingleton [REDACTED] *12(3)(a) Personal*
Cc: Andrew Sherry [REDACTED] *12(3)(a) Personal* Mark Bassett
[REDACTED] *12(3)(a) Personal* Mustafa Latif-Aramesh [REDACTED]
[REDACTED] *12(3)(a) Personal*
[REDACTED] *12(3)(a) Personal*
[REDACTED]
Subject: Comments on way forward re report

John



12(4)(e) Internal Communications

12(4)(e) Internal Communications

Best regs

-Sue

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Recommendation X: Removing ambiguity in the duty applying to national landscapes and national parks

Problem: the Levelling Up and Regeneration Act 2023 amended the duty which applies to national parks and national landscapes. Previously, the requirement was that the Secretary of State should have 'regard' to the impacts on those protected sites. The 2023 Act changed this so that the decision-maker had to "seek to further the purposes" of the relevant site.

Having reviewed a number of recent DCO decisions, we are concerned that the implementation of this duty will pose a significant impediment to nuclear development in the UK. In particular, objectors to development have interpreted the duty to require outright refusal, or significant amounts of compensation.

The "minded to approve" letter on the Gatwick Airport DCO application highlighted that the Secretary of State wanted an agreement to be reached on the quantum of compensation. The disagreement on quantum between promoters and environmental groups is, in some cases, vast (in the order of tens of millions of pounds). It has also put Natural England in a position where it has said that it does not wish to comment on specific compensation, but that 'substantial' sums may be required.

We consider that it is highly likely that given the novel and ambiguous drafting that the decision-maker is required to "seek to further the purposes" of a protected site, legal challenge and disputes are likely to delay development. We note that a number of sites being considered for nuclear development may be caught by this ambiguous duty. Our recommendation below is drafted in general terms on the basis that these affect all development, and it would not be coherent to have a separate duty in the context of nuclear.

The duty is largely duplicative of existing protections: National Policy Statements set out that these protected sites have 'the highest status of protection in relation to landscape and scenic beauty', and 'the decision-maker may grant development consent in these areas in exceptional circumstances' which typically requires consideration of 'any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated'. We have evidence that in the space of 12 months, at least 5 legal challenges based on the new duty have been launched.

We have considered routes to achieving certainty, and avoiding needless debates caused by the novel drafting introduced via the 2023 Act:

- Guidance: there is a power to publish guidance which seeks to clarify and articulate what the duty requires. We are concerned this will not achieve the certainty required given any guidance will set out general parameters, and the now published guidance has not prevented disputes from arising.
- Regulations: the 2023 Act envisages that regulations will be made to assist in the application of the enhanced duty. No regulations have yet been produced. However, it's not clear to me that given there may be a need for some level of judgment that any set of regulations really would remedy the potential for vexatious or stifling action, nor could regulations go as far as changing the words of the primary legislation itself.

Recommendation: we recommend the Government reinstate, via the Infrastructure Planning Bill, the duty as existed prior to the Levelling Up and Regeneration Act 2023. This is not an

environmental regression, but securing certainty on the steps development has to undertake, and removing a legally ambiguous provision. The text would be as follows:

- X. (1) The Countryside and Rights of Way Act 2000 is amended in accordance with subsections (2) and (3).*
- (2) In section 85, omit subsections (A1), (A2) and (1A).*
- (3) In section 87, omit subsection (A1).*
- (4) The National Parks and Access to the Countryside Act 1949 is amended in accordance with subsection (5).*
- (5) In section 11A, omit subsection (1A).*
- (6) In section 17A of the Norfolk and Suffolk Broads Act 1988, for “must seek to further” substitute “shall have regard to”*