

Subject: Draft Planning Bill 2022 - Clause 164 Nuclear Fission

Dear Chair, Committee Members and Committee Clerk,

Re: Draft Planning Bill 2022

We would like to bring to your attention a significant matter concerning clause 164 of the draft Planning Bill 2022, which states: “Nothing in this Act shall be construed as enabling the authorisation of development consisting of an installation for the generation of electricity by nuclear fission”. This clause carried forward verbatim from clause 37K from the 2006 Strategic Infrastructure Act [“Nothing in this Act shall be construed as enabling the authorisation of development consisting of an installation for the generation of electricity by nuclear fission”.]

There does not appear to have been any or any reasonable debate concerning Clause 164 of the draft Planning Bill 2022. Nor was there any reasonable debate about Clause 37K of the original 2006 Act, which was introduced as a last-minute amendment because, although the Minister of the day accepted there was no need for it, he thought it was “a good idea to put down a political marker”.

There is now considerable risk that clause 164 of the draft Planning Bill 2022 would not be consistent with Ireland’s national, and the EU’s, sustainability obligations, and would not be consistent with the need for Government actions to be assessed for compliance with achieving our 2050 emissions reduction objectives.

Clause 164 has real potential to hinder Ireland in achieving our clean energy objectives, in the same way that Clause 37K already restricts research pertinent to Ireland’s clean energy options. For example, the authors (CEPA) of the Department of the Environment’s Report on Ireland’s Energy Security (<https://www.gov.ie/en/consultation/dbe14-review-of-the-security-of-energy-supply-of-irelands-electricity-and-natural-gas-systems/>), issued in September 2022, stated that they had excluded the option of nuclear energy from the study because nuclear energy is not permitted here.

We would welcome an opportunity to further explain to the Committee why Clause 164 should not be included in the Planning Bill and to answer any questions you may have on this important matter.

Some notes you may find useful and informative are included below.

Yours faithfully,

Denis.

Denis Duff

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Is nuclear fission sustainable?

In 2021, nuclear fission was assessed as sustainable by the European Commission's Joint Research Centre (JRC) with respect to the 'do no significant harm' criteria of Regulation (EU) 2020/852 ('Taxonomy Regulation'). The JRC concluded that "there is no science-based evidence that nuclear energy does more harm to human health or to the environment than other electricity production technologies already included in the EU Taxonomy as activities supporting climate change mitigation."

The Joint Research Centre 2021 report is here: [technical assessment of nuclear energy with respect to the 'do no significant harm' criteria of Regulation \(EU\) 2020/852 \('Taxonomy Regulation'\)](#)

Ireland's position on nuclear fission?

A majority of Ireland's MEPs approved nuclear's inclusion in the Green Energy taxonomy. Mairead McGuinness, Ireland's Commissioner in charge of Financial Services, Financial Stability, and Capital Markets Union, welcomed the outcome of the vote. Although Ireland is clearly within its rights to consistently declare that the Government has no plans to develop nuclear, Ireland also correctly acknowledges nuclear energy to be sustainable, in accordance with the science. This clause is also somewhat in contradictory in that the bulk of Ireland's current, and predicted future, electrical energy imports are based on nuclear fission generated electricity, notably from the UK and France.

Impact of removing Clause 164

Removal of clause 164 would not absolve nuclear fission of the requirement to fully comply with all relevant planning, environmental and other legislation (including this 2022 Planning Bill, when it is enacted). However, it would allow Ireland to study all low carbon energy options objectively and make critical decisions while in possession of the available facts, unlike the current situation. We cannot reasonably claim to be a knowledge based economy when our legislation consciously acts against us having such knowledge.