

LOW LEVEL WASTE REPOSITORY – COPELAND COMMUNITY FUND



Case Study 2 November 08

OUTCOME: A Co-operation Agreement has been drawn up between the Nuclear Decommissioning Authority, Copeland Borough Council and Cumbria County Council to administer the Copeland Community Fund. Administration of the fund is by means of a Project Board comprising of up to seven members, two from each council and one from the NDA, plus two independent members. The fund is for the benefit of the communities living near to the Low Level Waste Repository ("LLWR") in the Borough of Copeland in Cumbria to recognise the national benefit derived from the future accommodation in the LLWR of low level radioactive waste from across the United Kingdom.¹

BENEFIT TO THE COMMUNITY: The provision of a Community Fund with £10M being paid in two stages plus an additional payment of £1.5M for each year the waste is deposited. The "objective of the Community Fund is to:

- make grants loans or other payments; and
- carry on such other activities as all the Parties think fit

in accordance with the (NDA *sic*) Socio-Economic Policy but otherwise at the discretion of the Project Board to assist in the provision of benefits to promote the social, economic and environmental well-being of the inhabitants and the area of the Borough of Copeland"².

BACKGROUND: The LLWR is the national repository for LLW in the UK (see Case Study 3). It has been operating since 1959 and since a major review and upgrade of disposal facilities in 1995 all waste has been stored in engineered concrete vaults. A Community Benefits Fund to off-set the "adverse impacts and stigma caused by hosting this unique Low Level Waste Repository" is a requirement of current and evolving development planning policy at Cumbria CC.³

PROCESS: Agreement on the basis for the Fund, the scale of the Fund and the delivery mechanism was secured through sustained negotiation between Government, the NDA, Cumbria County Council and Copeland Borough Council.

LEGISLATIVE BASIS: The legislative basis for the Fund is set out in the unilateral undertaking provided by the NDA to Cumbria County Council (dated 18 January 2008). The accompanying letter states that:

¹ Co-operation Agreement page 2 (A)

² Co-operation Agreement page 8 para 3

³ [Report](#) by Head of Environment CCC to Development Control and Regulation Committee para 4.23, 22 January 2008.

Under the terms of the undertaking, the NDA offers to be bound, pursuant to section 106 of the Town and Country Planning Act 1990 and sections 7 and 10 of the Energy Act 2004, to set up a Community Benefit Organisation to administer a fund for the benefit of the residents of the Borough of Copeland in recognition of the national benefit derived from the future accommodation of low level radioactive waste from across the United Kingdom at the LLWR.

The provisions in the undertaking are stated to be planning obligations for the purposes of section 106 of the 1990 Act. The undertaking further states that:

In entering this planning obligation the NDA recognises that although the design of the Development has had due regard to minimising local impacts and although the total benefit from the Development in terms of contributing to meeting a national need will outweigh any residual adverse impacts of the Development it is appropriate to make financial provision to meet local needs arising from the Development including assisting participation of the community in the Development and to mitigate the residual economic and other impacts that will be caused by the Development. (para 12)

The undertaking also states that the NDA's powers under sections 7 and 10 of the Energy Act 2004 enable it to give encouragement and support to activities that benefit the social or economic life of communities living near designated sites or that produce other environmental benefits for such communities, including the power to make grants and loans.

NEXT STEPS: The first meeting of the project board is expected to be before the end of November 08. The first £5 million payment is also scheduled for November.

Information sources

1. Report by Head of Environment to Cumbria CC Development Control and Regulation Committee [LLWR Report January 2008](#)
2. Co-Operation Agreement for Copeland Community Fund
3. NuLeAF [Briefing Paper 14](#), 'Community Funds and Radwaste Facilities' March 2008
4. [NDA Socio-Economic Policy](#)