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Dear Sir/Madam,

### **Planning for the Future Consultation: Response from NuLeAF**

Nuleaf (the Nuclear Legacy Advisory Forum) is a Special Interest Group of the Local Government Association (LGA). Nuleaf is directly supported by over 100 local authorities and national park authorities across England and Wales. Our remit encompasses all aspects of the management of the UK's nuclear waste legacy, including interim storage, treatment and disposal. Our primary objectives are:

- to provide a mechanism to identify, where possible, a common, local government viewpoint on nuclear legacy management issues;
- to represent that viewpoint, or the range of views of its member authorities, in discussion with national bodies, including Government, the NDA and the regulators;
- to seek to influence policy and strategy for nuclear legacy management in the interests of affected communities; and
- to develop the capacity of its member authorities to engage with nuclear legacy management at a local level.

We are actively engaged with the UK and Welsh Governments and the Nuclear Decommissioning Authority (NDA) in the development of planning policy for radioactive waste. This includes recent collaboration in the development of Planning Guidance for the in-situ disposal of radioactive material.

Through our Radioactive Waste Planning Group (RWPG), we provide a forum for land use and waste planning officers to discuss the challenges facing local



authorities around the management and disposal of radioactive waste. This response has been guided by their views.

### **Comments on Planning for the future**

The White Paper proposes significant reform of the planning system in England, with a focus on simplification of the planning system to help stimulate housebuilding. We limit our comments to what we see as the potential implications of the proposed reforms for the decommissioning and clean-up of the UK's nuclear legacy.

The Nuclear Decommissioning Authority (NDA) spends around £3billion of largely public money every year on the clean-up of nuclear legacy sites. Local Planning Authorities are actively involved in this process. Through the planning system they are a regulator of NDA sites and associated infrastructure, and seek to deliver the best economic, social and environmental outcomes for their communities.

Any reform of the planning system must support local government in this important work. Planning for the Future says little on the planning system beyond housing development and sustainable communities. There is only limited reference to planning as a fundamental mechanism for addressing our environment, climate change and biodiversity. Any changes to the planning system to speed up processes must not be at the expense of these factors, or at the expense of quality as these things all have an impact on health and wellbeing.

It cannot be assumed that the effective management of waste will just happen. It needs to be carefully planned, monitored and managed. We believe that further clarity is required and offer specific comments on the following questions:

#### **Question 5: Do you agree that Local Plans should be simplified in line with our proposals?**

No.

We agree with the need to streamline plan making so that it is less cumbersome and more responsive to changes in circumstances. However, we have a number of concerns with the proposals:



- Nuclear Legacy sites are generally large and complex developments with particular challenges and characteristics that do not fall neatly into the zoning system or the formulaic Infrastructure Levy system proposed.
- Due to their scale, complexity and often remote locations, nuclear legacy sites and their effects may not respect zonal boundaries. Benefits and impacts are rarely limited to a line on a map. It will be vital that any new system enables impacts of one area to be considered in relation to proposals in an adjacent area.
- Nuclear legacy sites can have positive and negative ramifications across very wide areas. It is not clear how these considerations would be addressed in such a drastically simplified zoning system.
- Limiting community engagement to the front end of the Local Plan preparation process is undemocratic. It takes away the rights of local people who are most affected by a development to be able to have their views heard.

**Question 6: Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?**

No.

Development management policies are needed at Local and Neighbourhood Plan levels to take account of particular local needs, circumstances and constraints, and also the particular circumstances that relate to development associated with nuclear legacy sites.

Site or area-specific development management requirements should be retained in local plans for legacy sites to offer local clarity to all concerned and avoid the risk of costly uncertainty and conflict.

**Question 7 (a): Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of 'sustainable development', which would include consideration of environmental impact?**

There may be benefits with a simplified system, as long as it takes account of all factors relevant to an individual place. There must still be legal compliance with legislation such as the Habitats Regulations for the protection of international sites and species, e.g. Habitats Regulations Assessments of Local Plans.



**Question 7 (b): How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?**

Since socio-economic and environmental effects of nuclear legacy sites are often cross boundary, there is a need to ensure that cross boundary relationships and issues are considered in any new system.

Nuleaf strongly supports organised and structured multi-authority level collaboration. However, a more sustainable resourcing arrangement is needed to retain meaningful and effective cross-boundary co-operation.

**Question 9 (a): Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? automatic outline permission for substantial development (growth areas) with faster routes for detailed consent; and (b) Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

No to both.

The proposed zoning system is oversimplified and does not acknowledge the variability and fine-grained nature of different places, nor the inter-relationship between different places. Major development and nuclear legacy related development can have effects across wide areas.

It is not clear how NSIPs will fit with a zonal system: by their very scale and nature they are often not limited to a single site, but also necessitate associated development off site, and their socio-economic, environmental and transport effects may well straddle zones.

Nuclear decommissioning presents renewal opportunities, but most nuclear legacy sites are set in remote rural locations that will not fit with blanket simplistic zoning. There is a need for a site and place-based approach to these developments.

There may be a place for permission in principle for relatively unconstrained land areas and industrial development but checks and balances are needed to ensure appropriate quality, local distinctiveness and responsiveness to local needs. This



includes nuclear legacy sites set as they mainly are in distinctive and sensitive rural locations.

Biodiversity designations can have important and sometimes seasonal relationships and dependencies on adjacent areas, e.g. migrating birds relating to the internationally designated Severn Estuary also use fields on the Somerset Levels to roost/ feed/ shelter from storms. These factors require individual and site-specific consideration in the context of nuclear decommissioning proposals, and mitigation depends on the type of development or change proposed. These types of consideration do not lend themselves well to a blanket rule book.

### **Question 11: Do you agree with our proposals for accessible, web-based Local Plans?**

Yes.

Web based Plans are to be welcomed. However, equality of access needs to be ensured for all, including those who choose not to, or cannot, engage digitally. This includes all stages of the planning process.

Digitisation also requires that the necessary resources were provided to local authorities to enable this. For it to be successful there needs to be nationally agreed data sets to ensure efficiency and transparency. Mapping does not necessarily give one clear answers to any question posed by Local Plans or development proposals. A balance of material factors is still needed and weighting of these will often have to be made on a case by case basis.

Site notices are an important way of making sure that everyone has the opportunity to comment on planning proposals, and it is important that this most basic method of communication is retained. Not everyone has or chooses to use smart phones, so equalities requirements will not be met by a totally digital system.

As evidenced by the Site Stakeholder Groups (SSGs) that continue to operate for nuclear legacy sites, communities quite rightly have an expectation that they can and should be able to influence the nature of development that affects them and/or is in line or out of line with local policy. It is wrong that the new system proposes to remove this level of local determination and democracy. The proposals need to be amended to include a local say on planning proposals that affect them.



**Question 13 (b): How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

While the move to digital is supported, equality of access is required to ensure that those that are not digitally connected are able to engage with the planning process and the outcome. Local communities are concerned about more than 'design'. They are concerned about the scale nature and type of development in their Neighbourhood Plan area. They want to be able to ensure that their local needs are met.

Any changes to the planning system must ensure that local communities are able to propose development where they want it and of the type that meets their needs, and to address particular issues relating to 'one off' developments such as the often massive and complex nuclear legacy sites on their doorsteps.

**Question 17: Do you agree with our proposals for improving the production and use of design guides and codes?**

No.

Nuleaf advocates the use of masterplans for nuclear legacy sites, to guide the long road to decommissioning in a way that results in least harm and maximum benefit to the local place and communities within which they are set.

**Question 21: When new development happens in your area, what is your priority for what comes with it?**

This question is again overly simplistic as the answer will depend on the particular circumstances, needs, and environment of the locality in question. It is impossible and improper to rank design above shops, education, green space, schools or transport or any other factor that may be relevant to a particular locality, including for nuclear decommissioning.

**Question 22 (a): Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? ; (b) Should the Infrastructure Levy rates be set nationally at a single rate, set**



**nationally at an area-specific rate or set locally?; (c) Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?**

No to all.

Planning Obligations are an important tool that has been used to deliver significant mitigation for communities that host nuclear sites. Nuleaf's **Briefing Paper 6**<sup>1</sup> highlights the value that Section 106 (S106) agreements have provided within a nuclear context, including the Copeland Community Fund in West Cumbria. The Fund is providing millions of pounds for projects supporting work and skills, health and wellbeing, infrastructure, environmental enhancement and support for young people.

Planning for the Future proposes replacing S106 and the Community Infrastructure Levy with a new value based flat rate Infrastructure Levy. It is not clear from the document how such a new Levy could operate in relation to nuclear legacy sites or new infrastructure required for decommissioning and waste management. Nuclear decommissioning projects have one off and locally specific effects that will never be able to be covered in a flat fee scheme.

The new regime is reliant on uplift in land values and contributions are paid at end of process and it is difficult to see how the Infrastructure Levy would operate in a nuclear context. For example:

- A local planning authority may seek mitigation measures in relation to a nuclear waste store, in recognition of the local impact that such a facility would have and the national benefit the community is providing by permitting the facility. The store would remain for many decades and the facility would not have any final financial value, which is the basis upon which the new charge is to be calculated.
- UK Government policy is to develop a Geological Disposal Facility (GDF) to dispose of the nation's high-level nuclear waste. A GDF will operate over many decades, through construction and the emplacement of waste to closure. Under proposed reforms the community would have to wait until

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<sup>1</sup> <https://www.nuleaf.org.uk/wp-content/uploads/2020/09/Briefing-Paper-6-Planning-Obligations-final.pdf>



the completion of the project, over 100 years from the start of construction, to gain the benefits of the Levy.

- It is not clear how the new Infrastructure Levy would fund specific development related mitigation of off-site impacts as is covered by S106 e.g. habitat creation, education training and skills provision etc. Any new system needs to ensure this can be required and delivered.

Section 106 Agreements are a vital part of impact mitigation for nuclear projects. Any replacement must enable necessary mitigation to be provided to address site specific impacts for large complex projects and NSIPs, across the full range of relevant issues from transport to off-site biodiversity mitigation, education, training and skills provision, local employment and local supply chain targets.

I hope these comments are helpful.

Yours faithfully,

**Philip Matthews**  
Executive Director