

**Briefing Paper 11**

# **Nuleaf advice on approaches to radioactive waste management in Local Plans**

**Revised July 2022**

## Executive Summary

Nuleaf believes that all Waste Planning Authorities (WPA) with a nuclear licensed site in their area should have policies within their Local Plan which set out the Council's view on site decommissioning and the storage and management of the wastes arising.

We also believe that it is in the interests of every WPA, including those without nuclear licensed sites, to include policies on radioactive waste management within their Local Plans and Waste Plans. Non-nuclear radioactive waste from hospitals, research facilities and industry arises and is transported across all areas of England and Wales. It is therefore right that local authorities have a clear position on this issue.

This paper sets out the current policy framework for nuclear and radioactive waste management and Nuleaf's advice on local plan policies. It also includes examples of current plan policies from across England and Wales.

## 1. Introduction

This paper is intended to assist planning authorities in developing an approach to radioactive waste that best meets their needs and that of their communities. The priorities of different local authorities vary – this paper outlines recent changes in the policy context and suggests the issues that should be considered by local authorities in drafting planning and waste policies. It is hoped this will be useful in future revisions of local planning documents.

Specifically, this paper covers:

- Spatial planning in England including the National Planning Policy Framework<sup>1</sup>, the 'Duty to Co-operate' and Statement of Common Ground<sup>2</sup>; the Waste Management Plan (WMP) for England<sup>3</sup> and the National Planning Policy for Waste<sup>4</sup>;

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<sup>1</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>2</sup> <https://www.gov.uk/guidance/plan-making>

<sup>3</sup> <https://www.gov.uk/government/publications/waste-management-plan-for-england-2021>

<sup>4</sup> <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

- Developments in Welsh policy<sup>5</sup>;
- The Nuclear Decommissioning Authority (NDA) Strategy, published in April 2021;<sup>6</sup>
- The NDA Radioactive Waste Strategy<sup>7</sup> and Low-Level Waste (LLW) Policy and Strategy<sup>8</sup>;
- The Role of Nuclear Waste Services (NWS), the wholly owned subsidiary of the NDA tasked with the management of radioactive and non-radioactive waste generated by the NDA's mission.
- Proportionate Regulatory Controls;
- Nuleaf's advice on radioactive waste planning; and
- Examples of relevant policies from local authorities across England and Wales.

The paper covers both Higher and Lower activity radioactive wastes, which can present different challenges in terms of local planning.

## 2. The Government's Approach to Spatial Planning in England

Planning policies in England are set out in the National Planning Policy Framework (NPPF), a revised version of which was published in July 2021.

The Framework states that 'the purpose of the planning system is to contribute to the achievement of sustainable development.' Achieving this requires the meeting of three overarching objectives:

- a) an **economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a **social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and

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<sup>5</sup> [https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11\\_0.pdf](https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf)

<sup>6</sup> <https://www.gov.uk/government/publications/nuclear-decommissioning-authority-strategy-effective-from-march-2021>

<sup>7</sup> <https://www.gov.uk/government/consultations/nda-radioactive-waste-management-strategy>

<sup>8</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/497114/NI\\_LLW\\_Strategy\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/497114/NI_LLW_Strategy_Final.pdf)

- open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an **environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The Framework 'does not contain specific policies for nationally significant infrastructure projects' (paragraph 5) with 'These...determined in accordance with the decision-making framework in the Planning Act 2008....and relevant national policy statements for major infrastructure.' This is relevant in relation to geological disposal, where a National Policy Statement published in July 2019 should guide planning.

## The NPPF and radioactive waste planning

The current NPPF highlights some guiding principles for plan-making that are relevant to radioactive waste management.

<p><b>Paragraph 11</b></p> <p>Plans and decisions should apply a presumption in favour of sustainable development.</p> <p>For plan-making this means that plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change...and adapt to its effects;</p> <p>For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:</p> <p>the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or</p> <p>any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.</p>	<p>The default position is to grant permission unless doing so is contrary to specific policies in the Local Plan.</p> <p>This is a critical issue for radioactive waste management and means that an absence of policies would lead to a presumption in favour of development.</p>
<p><b>Paragraph 12</b></p> <p>The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.</p>	<p>Again, this underpins the need for clear policies on radioactive waste within development plans.</p>
<p><b>Paragraph 24</b></p> <p>Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries</p>	<p>The Duty to Co-operate and collaboration is therefore crucial. This is discussed in more depth below.</p>

## The Duty to Co-operate and Statement of Common Ground

The **Duty to Co-operate** (DtC) came in to force through the Localism Act 2011. Under the DtC the Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities. The Duty requires engagement with organisations other than neighbouring local authorities and with remote sites where they will be affected by proposed plans. It applies not just to Planning Authorities but also to a wide range of other public bodies.

Current guidance on waste issued by the Department for Levelling Up, Housing and Communities (DLUHC)<sup>9</sup> states that:

'There is no definitive list of actions that constitute effective cooperation under the duty. However, it may include:

- gathering, evaluating and ensuring consistency of data and information required to prepare Local Plans. This may include joint commissioning of studies or the joint preparation of an evidence base
- engaging actively in dialogue, particularly on those types of wastes or waste facilities that will impact most on neighbouring authorities
- active engagement, where necessary, with planning authorities wider than just those who are their more immediate neighbours, particularly if dealing with waste streams for which there is a need for few facilities'

Of significance is the **Statement of Common Ground**. The NPPF requires that local planning authorities should produce, maintain, and update one or more statements of common ground. This is defined as 'a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate<sup>10</sup>.'

The Duty to Co-operate and Statement of Common Ground are relevant to radioactive waste management, and strategic priorities across local boundaries should be properly co-ordinated and reflected in local plans.

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<sup>9</sup> <https://www.gov.uk/guidance/waste>

<sup>10</sup> <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

## Waste Management Plan (WMP) for England

An updated **Waste Management Plan for England** was published in 2021<sup>11</sup>, and is supported by the **National planning policy for waste**<sup>12</sup> (see below) and guided by the **Resource and Waste Strategy**<sup>13</sup>.

The WMP focusses on waste arisings and their management. It does not cover radioactive waste which is governed by separate international agreements. Despite this, the Department for Levelling Up, Housing and Communities (DLUHC) produced guidance on waste for local planning authorities in April 2015 which notes (paragraph 13) that waste planning authorities should plan for the sustainable management of Low-Level Radioactive Waste<sup>14</sup>. It provides advice on the implementation of the waste hierarchy, the preparation of Local Plans, regulatory regimes and inspection and monitoring.

## National Planning Policy for Waste

The **National Planning Policy for Waste** was published in October 2014. It is a short document providing high level guidance on the policies for waste management. As with the WMP it does not apply directly to radioactive waste.

The UK Government also issued **Guidance on Waste** in October 2015. This sets out a range of information including on the application of the waste hierarchy and on regulatory regimes.

## Welsh Policy

Planning policy and guidance in Wales is set by the Welsh Government. The key document is **Planning Policy Wales**<sup>15</sup>, the latest edition of which was published in 2021. It provides guidance on the preparation of Local Development Plans and on making planning decisions.

Radioactive waste management is not dealt with in Planning Policy Wales. Wales has a separate policy for the management and disposal of Higher Activity radioactive waste (HAW) and on how Welsh communities can engage in the siting process for a Geological Disposal Facility (GDF)<sup>16</sup>. The management of Low-Level

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<sup>11</sup> <https://www.gov.uk/government/publications/waste-management-plan-for-england-2021>

<sup>12</sup> <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

<sup>13</sup> <https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>

<sup>14</sup> <https://www.gov.uk/guidance/waste#waste--overview>

<sup>15</sup> <https://gov.wales/planning-policy-wales>

<sup>16</sup> <https://gov.wales/written-statement-geological-disposal-radioactive-waste-working-potential-host-communities-0>

Radioactive Waste (LLW) in Wales is governed by the UK LLW Strategy (see below).

## NDA Strategy

While there is no national planning policy or guidance specifically on radioactive waste management, the Government has stated that NDA Strategy should be taken into account in the preparation of local plans.

NDA's current Strategy was published in April 2021<sup>17</sup>. It states that strategic decisions about radioactive waste management should be informed by the following key principles:

- supporting key risk and hazard reduction;
- considering the entire waste management lifecycle;
- applying the Waste Hierarchy which should be used as a framework for waste management decision making;
- promoting timely characterisation and segregation of waste;
- provide leadership giving greater integration across the estate and supply chain, in particular by seeking appropriate opportunities to share treatment and interim storage facilities, capabilities and learning;
- supporting and promoting the use of robust decision-making processes to identify the most advantageous options for waste management; and
- enabling the availability of sustainable, robust infrastructure for continued operations, hazard reduction and decommissioning (p71).

The Strategy notes that: 'Our strategy is to make more use of a risk-informed approach, rather than rely on the simple classification-based system for waste management and to seek solutions that help to optimise the lifecycle of both radioactive and non- radioactive wastes. This risk-informed approach enables wider application of the Waste Hierarchy and allows us to make optimum use of our treatment, storage and disposal infrastructure.'

It also notes that 'Our waste management programmes need to be sustainable and socially acceptable, as our operations continue for decades and the lifecycle impacts need to be assessed from a number of perspectives, including:

- minimising demand for natural resources
- sustainable energy use and energy efficiency
- low carbon material selection, minimising CO<sub>2</sub> production
- innovative design concepts from within and beyond the nuclear industry
- sharing capability with other waste owners and maximising the value of our assets and

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<sup>17</sup> <https://www.gov.uk/government/publications/nuclear-decommissioning-authority-strategy-effective-from-march-2021>

- making best use of existing capability; only building new facilities where necessary’.

## The Radioactive Waste Strategy and Low-Level Waste Strategy

The NDA’s **Radioactive Waste Strategy** (2019)<sup>18</sup> replaced the Higher Activity Waste (HAW) Strategy and is consistent with the UK Strategy for solid LLW (2016). It applies to all radioactive waste generated by the NDA estate across the UK but the NDA notes that ‘this document will also be of interest to other organisations involved in radioactive waste, including waste producers, facility operators, suppliers of services, regulators, *local planning authorities* and communities where radioactive wastes are generated and/or managed.’

The Radioactive Waste Strategy it intended to:

- promote opportunities for managing waste across the standard waste categories;
- support an approach where radioactive wastes are managed according to the nature of waste (radiological, physical and chemical properties) rather than simply the radioactive waste category they fall into; and
- embed the integrated waste management principles, such as the application of the waste hierarchy and sharing treatment and storage assets.

The Strategy covers the whole waste management cycle from planning and preparation, through treatment and packaging to storage and disposal. Of most interest to local authorities are proposals for storage and disposal.

On **storage**, the Strategy notes that ‘As well as the long-term storage of wastes on the site of origin, consolidation of wastes from several sites to a single location may also achieve wider strategic benefits. Several examples are being implemented within the NDA estate, for example: Magnox storage consolidation options and the transfer of certain wastes from Harwell to Sellafield for treatment and/or storage. Where wastes may be consolidated between sites, appropriate stakeholder engagement will be required.’

On **disposal** the Strategy covers options for the management of all categories of waste based on a risk informed approach. Options include landfill, in-situ and on-site disposal, surface and near surface facilities and geological disposal.

Across radioactive waste management it is made clear that ‘public and stakeholder engagement is key’ (6.3.5.). In Appendix 1 the waste management policy

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<sup>18</sup> <https://www.gov.uk/government/consultations/nda-radioactive-waste-management-strategy>

framework is set with Local Authorities, Nuleaf and Site Stakeholder Groups (SSGs) all identified as part of the regulatory framework.

With regard to Low Level Waste (LLW), policy is set by the 2007 **Policy for the Long-Term Management of Solid Low-Level Radioactive Waste in the United Kingdom**<sup>19</sup>.

The **UK Strategy for the Management of Solid Low-Level Waste (LLW) for the Nuclear Industry**<sup>20</sup> was prepared by the Nuclear Decommissioning Authority (NDA) on behalf of the UK Government and published jointly by the UK Government and the devolved administrations in 2016. It maintains the same three strategic themes of the earlier documents, namely:

- The application of the waste hierarchy and a move away from the past focus on disposal;
- Making best use of existing LLW management assets, particularly the LLW Repository (LLWR) near Drigg in Cumbria; and
- The need for new fit-for-purpose waste management routes.

It also recognises the significant changes that have occurred since 2010 in the way LLW is managed. These include:

- The diversion of significant volumes of LLW from the Low-Level Waste Repository (LLWR) site;
- The development and use of alternative treatment and disposal routes;
- The application of the waste hierarchy by waste producers when making waste management decisions;
- The identification of opportunities for improvement and the sharing of good practices for LLW management; and
- The engagement of a broad group of stakeholders within the process.

The strategy is primarily aimed at nuclear industry waste producers, the waste management industry, environmental regulators and waste planning bodies, and will also apply to new nuclear sites as they are developed. It sits alongside

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<sup>19</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/254393/Low\\_level\\_waste\\_policy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/254393/Low_level_waste_policy.pdf)

<sup>20</sup> <https://www.gov.uk/government/consultations/consultation-on-an-update-of-the-uk-strategy-for-the-management-of-solid-low-level-radioactive-waste-from-the-nuclear-industry>

strategies for the management of **Non-nuclear LLW**<sup>21</sup> and for **Naturally Occurring Radioactive Material (NORM)**<sup>22</sup>.

The Strategy also notes that the correct links need to be made between management of LLW and of Higher Activity Waste (HAW) and that the classification of LLW and HAW do not translate into clearly defined management routes. In other words, some LLW needs to be managed in a similar way to HAW, and some HAW could potentially be disposed of within an LLW facility. The NDA is actively considering the scope for Near Surface Disposal (NSD) of some HAW.

Nuleaf **Briefing Paper 8** provides more information on the LLW Policy and Strategy and their implications for planning and for LLW management. It is available on the Nuleaf website.

### The role of Nuclear Waste Services (NWS)

**Nuclear Waste Services (NWS)** is a wholly owned subsidiary of the NDA, responsible for the treatment and disposal of nuclear waste. It was formed in 2021 to deliver an Integrated Waste Management Programme. There are 4 main elements to its work:

**Major Capital Programmes:** Managing the delivery of large-scale capital projects, with an initial focus on a Geological Disposal Facility (GDF). This involves working with communities to find a suitable site and a willing community to host the GDF.

**Waste Operations:** Managing and operating sites, like the Low-Level Waste Repository (LLWR), that fall within the remit of Nuclear Waste Services. The focus is on the safe, compliant, and effective management of waste management infrastructure.

**Waste Services:** Working with customers to provide waste management services and solutions to address their challenges.

**Integrated Waste Management Programme:** Developing new waste management capability and opportunities to work group-wide as part of a broader integration programme to underpin the NDA's and nation's strategy of a more joined-up approach to waste management.

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<sup>21</sup> <https://www.gov.uk/government/publications/strategy-for-the-management-of-solid-low-level-radioactive-waste-from-the-non-nuclear-industry-part-1-anthropogenic-radionuclides>

<sup>22</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/335821/Final\\_strategy\\_NORM.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/335821/Final_strategy_NORM.pdf)

The resilience of the current infrastructure, its long-term capacity, and the needs for proper engagement continue to be issues of interest to local authorities. Nuleaf engages with NWS across all aspects of its work, including the GDF siting process, the management of Low-Level Waste and on non-radioactive and conventional waste matters. Our **Radioactive Waste Planning Group (RWPG)** provides a forum for discussion of these issues.

### Proportionate Regulatory Controls

The UK Government, the NDA and the environment agencies across the UK are currently involved in work intended to establish a proportionate and effective framework for the management of nuclear licensed sites as they move towards site end state and next planned use.

Entitled **Proportionate Regulatory Controls (PRC)** the work will impact on the management of nuclear licensed sites. It will increase the likelihood of in-situ disposal of LLW and its use to fill voids and for landscaping, subject to regulatory compliance. Some other installations, such as pipes and foundations, may also be left rather than removed.

The changes brought forward under PRC will have implications for local planning authorities. Nuleaf has worked with Government, regulators and the NDA to prepare planning guidance on in-situ disposal with this due to be released in late 2022.

## 3. Preparation and Adoption of planning policies on radioactive waste: the current situation

Local planning policies on radioactive waste management that have been adopted or proposed by Waste Planning Authorities (WPA) are provided in the Table appended to this paper (Appendix 1). Analysis shows that a range of approaches have been taken:

- **Some WPA plans and policies are silent on key aspects of radioactive waste management.** As far as practicable such silence should be avoided. Note in particular the emphasis in the NPPF on a presumption in favour of planning consent where plans do not provide a clear basis for decisions, and that the most recent planning guidance directs local authorities to plan for LLW management.
- **Some policies categorically state that no LLW/VLLW disposal on a licensed nuclear site should take place.** Such a restrictive policy position would need to be clearly justified, given that national LLW strategy allows for on-site disposal where appropriate. For those

authorities that do not favour on-site disposal it might be more appropriate to adopt a policy that includes flexibility to allow for on-site disposal if there is a need that cannot be met by suitable alternatives (see for example Oxfordshire's proposed policy).

- **Some policies categorically state that no Intermediate Level Waste (ILW) imports will be allowed for treatment/storage.** Such a restrictive position would need to be clearly justified, given that NDA strategy includes an intention to consolidate or co-locate storage facilities where appropriate. For those authorities concerned about 'imports' from other sites, it might be more appropriate to adopt a policy that contemplates imports only where a clear need can be demonstrated and where there would be benefits to the area. Somerset County Council had to change their policy to permit the import of radioactive waste for treatment or storage following comments from the Planning Inspector.

## **4. Nuleaf's advice on radioactive waste planning**

Responsibility for radioactive waste planning is spread between Defra, DLUHC and BEIS, with the NDA also involved through their strategy development process. There is an excess of technical information available to planning officers without sufficient focus on what is relevant to the plan making process.

It is vital that planning authorities receive a clear message from central government and the nuclear industry about what is needed. This will help local waste planning authorities become more effective, encourage consistency between local plans, and make local planning policy more robust. Nuleaf has written to, or discussed this issue with, all three government departments and also with the NDA.

### **How should local authorities address radioactive waste issues in planning?**

The current lack of clarity makes it difficult to offer a definitive view as to how local authorities should address radioactive waste.

However, given the issues that have arisen over recent years, sound Local Plan policies based on effective community engagement are critically important. While not all Waste Planning Authorities (WPAs) need to have an LLW facility, this does not mean that there should be a default position of sending the waste out of the area to an existing facility. All WPAs must have due regard to the Duty to Co-operate and should actively state the conditions under which LLW can go to given facilities.

Thus, all Waste Planning Authorities need to consider radioactive waste, though the extent to which such consideration is represented in their final Plans and Policies will vary depending on the nuclear industry and non-nuclear industry presence and the facilities currently available to manage such wastes in their area and close by.

Waste Planning Authority (WPA) areas hosting existing nuclear sites require a sufficient policy framework to support decommissioning activities and on-site interim management of wastes. For WPA areas without nuclear sites, there should be careful consideration of the requirement for policies on radioactive waste management before deciding whether or not they are needed.

On this basis the following advice is offered:

### **Planning policies on lower-level radioactive waste**

Local Plans that include waste policies should state clearly how/where radioactive waste arising within the area will be managed, with appropriate engagement under the Duty to Co-operate.

National policy also requires that communities take more responsibility for their own wastes. In accordance with this, the following potential options could be considered in drawing up local planning authority policy for radioactive waste disposal:

- For nuclear industry wastes, the preferred location for disposal may be within the nuclear site where it arises. Alternatively, where there is an aspiration for a particular end state that radioactive waste disposal would conflict with, and de-licensing, the preferred location is likely to be off site.
- If those assessments do not identify any practicable solutions then the use of existing or proposed conventional sites within the WPA's area should be considered; or,
- If none of those sites has the potential to dispose of those wastes, and the preferred option is for such wastes to go to other areas, the Duty to Co-operate will be relevant and the policy would need to be developed through engagement with the relevant WPA(s).
- Proposals involving transfers of radioactive wastes to an existing or new facility should demonstrate that a) they are fully justified based on assessments of national and sub national need, and that all other options within the area within which the wastes arise have been rigorously assessed; b) they do not have unacceptable impacts; c) local social and economic benefits outweigh any adverse impacts; d) they are acceptable to the host community.
- For non-nuclear industry wastes, the deliverability and viability of any possible existing or future sites should be assessed. This should be informed by the waste hierarchy with disposal to landfill the last option. If

it is not possible to manage wastes within the WPA, the Duty to Co-operate will be relevant for any policy that relies on such wastes going to other areas.

As noted, work is underway on Proportionate Regulatory Controls (PRC). This may have implications for nuclear licensed sites and increase the likelihood of in-situ disposal of VLLW and its use to fill voids and for landscaping. Some other installations, such as pipes and foundations, may also be left rather than removed. Local Planning Authorities that host nuclear licensed sites should expect to be properly engaged as partners in discussions on options for the management of residual wastes and the implications for the site and their community.

### **Planning policy on Higher Activity Wastes (HAW), Site Restoration and Decommissioning**

The Radioactive Waste Strategy sets out an overall approach to the storage, management and disposal of HAW and commits to effective engagement on HAW.

Waste Planning Authorities (WPA) areas hosting existing nuclear sites require a sufficient policy framework to support decommissioning activities and on-site interim storage and management of wastes, prior to transportation to a planned Geological Disposal Facility (GDF). Examples of policies are provided in appendices.

For WPA areas without nuclear sites, there should be careful consideration of the requirement for policies on radioactive waste management before deciding whether or not they are needed. Consideration should also be given in policies to the desired end state of sites and the scope for future uses.

### **Impact mitigation and community benefits (disposal aspects applicable to all WPAs)**

Nuleaf believes that a clear, consistent, fair and ambitious approach providing community benefits for nuclear decommissioning and radioactive waste management is required in the UK. This should recognise the impacts on communities of hosting (a) nuclear decommissioning sites (b) long term nuclear waste stores (c) radioactive waste management infrastructure such as landfill sites and (d) radioactive waste left in-situ or on-site.

In addition to community funds, there are a range of planning -related mechanisms which can be used to ensure mitigation and wider benefits to communities around waste storage and disposal facilities. These include Section 106 and the Infrastructure Levy.

Policy could state that where radioactive waste management facilities are proposed, the Waste Planning Authority will expect measures to be put in place as

necessary, and as a normal part of the planning process, to mitigate the impacts of hosting such facilities.

Regardless of the outcome of those discussions, in a Local Plan context it might be appropriate to explain the possibility of Community Benefits as a voluntary contribution from a developer that helps to ensure that national needs are met in a way that is fair and reasonable at the local level, and which is entirely separate from the planning process.

### How should the Duty to Co-operate be addressed?

Nuleaf's Radioactive Waste Planning Group (RWPG) is a bespoke forum for raising and exploring issues around the Duty to Co-operate and radioactive waste. The Duty is a standing item on the quarterly meetings of the group.

### The role of NDA Group

NDA and NWS must engage early and effectively with local authority planners covering both the sites where waste arises and that where it is intended to be treated or disposed of. Strategy 4, the Radioactive Waste Strategy and LLW Strategy commit to engagement, and local authorities should expect the NDA to demonstrate this.

### Sustainability Appraisal and SEA

There is a requirement that certain plans and programmes undertake a **Strategic Environmental Assessment (SEA)** to assess the effects on the environment. The process of an SEA is clearly defined and set out in Government guidance, and the assessment covers a range of environmental issues and also population and health. SEA's are also underway for significant plans related to nuclear legacy issues - again this is a requirement of the Directive. These include the proposals for a Geological Disposal Facility (GDF) for higher activity radioactive wastes.

Planning documents, including Local Plans, fall within the scope of the Directive, and under the **Planning and Compulsory Purchase Act 2004** a wider Sustainability Appraisal is required.

Nuleaf supports the requirement for a wider sustainability appraisal. This can include all the requirements of an SEA – as has been demonstrated in many cases and is considered to be best practice – and has the advantage of properly considering socio-economic issues as well as environmental concerns. The integrated consideration of all relevant issues is likely to lead to better outcomes that reflect the interests of the local community.

## 5. Looking Forward

There have been significant developments in the strategy, policy and practice for radioactive waste management in recent years.

NDA continues to develop its approach to the decommissioning of all its sites. This may lead to significant changes to the interim and end states of some sites and the timetable for site remediation. Well-defined local plans will assist local authorities in engaging with NDA on this.

The formation of NWS has created a single body within NDA group tasked with taking forward the management and disposal of all nuclear waste, from very low-level material to the HAW destined for a Geological Disposal Facility (GDF). This integration provides scope for better and more sustainable management of all wastes, and for good practice to be applied across all areas of waste management. At the same time local authorities will need to ensure that the waste management options selected are acceptable to them and the local community.

# **APPENDIX 1: OVERVIEW OF PLANNING POLICIES ON RADIOACTIVE WASTE (as at January 2021)**

## **BUCKINGHAMSHIRE MINERALS AND WASTE LOCAL PLAN (adopted July 2019)**

[https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/buckinghamshire-minerals-and-waste-local-plan-2016-2036\\_yiYUGSb.pdf](https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/buckinghamshire-minerals-and-waste-local-plan-2016-2036_yiYUGSb.pdf)

GE Healthcare research reactor for medical isotopes

### Policy 12 - Disposal to Landfill

... Whilst it is recognised that the management of hazardous and radioactive wastes occurs on a wider than local scale, proposals for such development would need to demonstrate a particular imperative to locate within Buckinghamshire. In doing so proposals should take account of the wider network of waste management facilities and ensure that wastes are managed in line with the waste hierarchy and proximity principle, with waste being managed at the nearest appropriate installation. No specific capacity will be provided for hazardous and radioactive waste disposal during the plan period.

### Policy 14 - Development Principles for Waste Management Facilities

... Whilst it is recognised that the management of hazardous and radioactive wastes occurs on a wider than local scale, management (including disposal) of such wastes should be in line with the waste hierarchy and proximity principle, with waste being managed at the nearest appropriate installation. Proposals would need to demonstrate a particular imperative to locate within Buckinghamshire.

## **CHESHIRE WEST and CHESTER LOCAL PLAN (adopted January 2015)**

[http://inside.cheshirewestandchester.gov.uk/policies\\_plans\\_and\\_strategies/planning\\_policy/local\\_plan](http://inside.cheshirewestandchester.gov.uk/policies_plans_and_strategies/planning_policy/local_plan)

Capenhurst uranium processing plant

The Cheshire West and Chester Local Plan does not include policies on radioactive waste. It states that "This policy does not cover radioactive wastes that arise in Cheshire West and Chester as the detailed waste management plan of the Capenhurst facility provides for all of its arisings."

## CUMBRIA WASTE LOCAL PLAN (adopted September 2017)

<https://www.cumbria.gov.uk/eLibrary/Content/Internet/538/755/1929/4298491253.pdf>

Sellafield, Low-Level Waste Repository near Drigg and BAE Systems at Barrow-in-Furness.

### POLICY SP4 Transparent decision making

Proposals for radioactive waste facilities will need to demonstrate how the development complies with:

- the principles of sustainable development;
- the waste hierarchy;
- the precautionary principle;
- the proximity principle; and
- the national strategy for managing radioactive wastes.

### POLICY SP5 Development criteria for low level radioactive waste sites

Any proposal for new facilities for the treatment, management, storage and/or disposal of low-level radioactive waste, must demonstrate that:

- it conforms to national policies and strategies for LLW;
- it conforms to the other relevant policies of this Local Plan;
- it represents the most appropriate option;
- it is in line with the principle that communities take more responsibility for their own waste, enabling the waste to be managed in the nearest appropriate installations to its point of arising, the preference being on existing nuclear licensed sites;
- it complies with the principles of sustainable waste management - in doing so, it should identify the intended catchment area;
- any significantly adverse impacts will be mitigated to an acceptable level;
- a feasible strategy is in place in relation to the long-term integrity of the site;
- it will not prejudice the existing use where the proposal involves co-location on an operational waste disposal site.

### POLICY SP6 Higher activity radioactive wastes treatment, management and storage

Development proposals for the treatment, management and storage of higher activity radioactive waste arising within the county will need to demonstrate:

- that it conforms to national policies and strategies for HAW; and

- compliance with national and international standards and best practice for environment, safety and security; and
- the reasons why possible alternative methods (for dealing with the waste) have been rejected; and
- that any adverse impacts have been adequately mitigated or compensated for.

Development proposals for the treatment, management and/or storage of waste that arises from outside Cumbria, will need to demonstrate that:

- alternative locations, at or closer to where these wastes arise, have only been rejected following rigorous assessment; and
- all practicable measures are taken to minimise the adverse effects of development and associated infrastructure; and
- acceptable measures are in place to secure decommissioning and site restoration.

#### POLICY SAP3 Radioactive wastes treatment, management, storage and disposal

Unless it can be demonstrated that it is no longer required, the capacity for the treatment, management, storage and/or disposal of currently permitted radioactive wastes will be safeguarded over the Plan period at the following existing sites:

- Sellafield complex (including former Windscale site)
- Low Level Waste Repository
- Lillyhall metal processing complex (Cyclife)
- Lillyhall landfill

The following sites are considered to be suitable locations for additional capacity, subject to the granting of planning permission:

CO35 The Low-Level Waste Repository, near Drigg

CO36 Land within Sellafield

Subject to the granting of planning permission, the following site is considered to be a suitable location to provide additional capacity for:

- the storage of non-radioactive inert wastes from the Sellafield complex (CO36);
- the temporary treatment, management and/or storage of appropriate levels of lower activity radioactive waste from CO36;
- the disposal of lower activity radioactive waste from CO36 that would previously have been disposed in CLESA.

Proposals for development on the following site will be required to demonstrate that:

- there is a clear need that cannot be met within CO36, or via the use of other existing disposal routes;
- how the need is to be met;
- the use of any part of CO32 is proportionate in terms of scale, timescale and footprint;
- direct access is provided from site CO36, where appropriate.

CO32 Land adjacent to Sellafield

### **DERBY AND DERBYSHIRE WASTE LOCAL PLAN (adopted March 2005)**

<https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/planning/planning-policy/minerals-waste-development-framework/derby-and-derbyshire-waste-local-plan.pdf>

Rolls Royce

The current Waste Local Plan does not contain policies on radioactive waste. A review is being undertaken but no information is available on the Derbyshire County Council website.

### **DEVON WASTE PLAN (adopted December 2014)**

<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-waste-plan>

Policy W9: The Management of Special Types of Waste

1. Sustainable management of special types of waste, including hazardous waste, clinical waste and low level radioactive waste, will be undertaken in accordance with the waste hierarchy (where consistent with the characteristics of the specific type of waste) and the need to avoid adverse impacts on local communities and the environment.

2. Development for the management of special types of waste will be permitted where it:

- a) will predominantly serve a need arising from within the functional waste management catchment area of Devon; and
- b) includes adequate design and mitigation measures to avoid significant harm to the local community and environment.

## DORSET WASTE LOCAL PLAN (adopted July 2019)

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/waste-planning-policy/new-waste-plan.aspx>

Winfrith nuclear research facility

### Policy 9 - Special types of waste

Proposals for the management of hazardous waste, healthcare waste and/or radioactive waste will be permitted where it is demonstrated that all of the following criteria are met:

- a) Either they are designed to meet a requirement for the management of a waste stream produced from within the Plan area or where capacity will be provided for waste from a wider area it is demonstrated that the facility will meet a need for waste management that is not adequately provided for elsewhere;
- b) there will not be an unacceptable impact that would adversely affect local amenity or the environment;
- c) waste is being managed at the highest practicable level of the waste hierarchy;
- d) they will not displace the management of waste which is already managed, or likely to be managed, by a process which is further up the waste hierarchy than that being proposed, unless the Waste Planning Authority is satisfied that the proposal would result in environmental benefits sufficient to outweigh the displacement; and
- e) any residues arising from the facility will be managed in accordance with the waste hierarchy and the proximity principle.

Where the proposal is for recovery: energy is recovered where it is feasible and viable to do so. Proposals should supply combined heat and power where local opportunities exist, or if this is not practicable, energy should be recovered through electricity production and the facility designed to have the capability to deliver heat in the future.

Where the proposal is for disposal: there is a clearly established need for the additional waste disposal which cannot be met at existing permitted waste management facilities, having regard to the proximity principle.

Proposals for radioactive waste management facilities must also demonstrate that they are consistent with national policy and strategies for radioactive waste management.

## Policy 10 - Decommissioning and restoration of Winfrith Nuclear Licensed Site

The Waste Planning Authority will work constructively with the site license holder, the Local Planning Authority, statutory regulatory bodies and the local community to support decommissioning of the former Winfrith nuclear research and development facility to open heathland with public access. In determining planning applications for waste management development at the former Winfrith nuclear research and development facility, the Waste Planning Authority will have regard to the following objectives:

- a) The on-site recovery or disposal of waste originating from the decommissioning of the Winfrith facility will be permitted where it would demonstrably support the site's restoration to open heathland and public access, be in conformity with the waste hierarchy and the proximity principle and would not cause unacceptable adverse impacts on the environment and amenity.
- b) Proposals should be supported by a masterplan to provide a clear and consistent framework for the development and in order to put each waste management proposal in the context of the overall decommissioning for the Winfrith site.
- c) The on-site storage of Low-Level Waste and Intermediate Level Waste from legacy uses or decommissioning activities in existing or newly constructed safe facilities will continue until such times as the decommissioning programme and wider national waste management strategy allow for its movement to longer term storage, management or disposal facilities.
- d) Use of the rail sidings should be maximised where it is economically and logistically feasible to do so, both for the exportation of waste materials and for the importation and exportation of equipment needed for decommissioning of the site.
- e) The potential for vehicular access via Dorset Innovation Park should be investigated, in consultation with stakeholders, to minimise pressure from decommissioning traffic and waste movements upon Gatemore Road and to secure greater use of the A352, in the interests of highway safety and amenity. And;
- f) The restoration programme should have regard to the opportunity for land at the northern end, which lies within the Dorset Innovation Park Enterprise Zone boundary, to be considered for uses which contribute to the Innovation Park's status as a strategic employment site.

The Waste Planning Authority will seek sustainable outcomes for the local community in accordance with the policies of this Plan, having regard to the on-site designation and proximity of European designated nature conservation habitat, potential mitigation approaches, legacy opportunities and, if appropriate, any community benefits that are proposed.

Community benefit schemes are separate from the planning process; they are not a material planning consideration and will not be taken into account by the Waste Planning Authority during the planning application process. Any community benefits package will be in addition to any mitigation secured through the planning conditions or, where relevant, legal agreements.

### **ESSEX WASTE LOCAL PLAN (adopted July 2017)**

<https://assets.ctfassets.net/knkzaf64jx5x/5MMZ5nNFmOCIpF56igb0Jc/e6f7ab4cba4ed1198c67b87be7b375e7/waste-local-plan-2017-compressed.pdf>

Bradwell A nuclear power station (decommissioning)

#### Policy 7 - Radioactive Waste Management at Bradwell-on-Sea

Proposals for facilities for the management of nuclear radioactive Intermediate Level Waste (ILW), Low Level Waste (LLW) or Very Low-Level Waste (VLLW) will be supported within the Nuclear Licensed Areas at Bradwell-on-Sea, where:

- a) the proposals are consistent with the national strategy for managing ILW, LLW and VLLW as well as the decommissioning plans for the Bradwell-on-Sea power station;
- b) the proposals are informed by the outcome of economic and environmental assessments that support and justify the management of radioactive waste at this location, and;
- c) the proposals would not cause any unacceptable adverse impacts to the environment, human health or local amenity.

#### Policy 8 - Non-Nuclear Very Low-Level and Low-Level Radioactive Waste

Proposals for the management of non-nuclear low-level and very low-level radioactive waste will be permitted where:

- a) a requirement to manage waste arising from within Essex and Southend-on-Sea has been identified; and
- b) the proposed development (including landfill) has been demonstrated to be the most appropriate and acceptable development in relation to the Waste Hierarchy, and;
- c) the proposal would not cause any unacceptable adverse impacts to the environment, human health or local amenity.

## Policy 9 - Waste Disposal Facilities

Proposals for landfill facilities will be permitted where:

the landfill site allocations in this Plan are shown to be unsuitable or unavailable for the proposed development;

1. although not exclusively, a need for the capacity of the proposed development has been demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea;
2. it is demonstrated that the site is at least as suitable for such development as the landfill site allocations, with reference to the site assessment methodology associated with this Plan; and
3. that the proposed landfill has been demonstrated to be the most appropriate and acceptable development in relation to the Waste Hierarchy.

In addition, preference will be given to proposals:

- a) for the restoration of a preferred or reserve site in the Minerals Local Plan; or
- b) for an extension of time to complete the permitted restoration within the boundary of an existing landfill site.

Proposals for non-inert landfill are required to demonstrate the capture of landfill gas for energy generation by the most efficient means.

Any proposals that come forward on land use types not identified above will be assessed on their merits, based on the policies in this Plan.

### **GLOUCESTERSHIRE WASTE CORE STRATEGY (adopted November 2012)**

[https://www.gloucestershire.gov.uk/media/14056/adopted\\_wcs\\_211112-53886.pdf](https://www.gloucestershire.gov.uk/media/14056/adopted_wcs_211112-53886.pdf)

Berkeley nuclear power station (decommissioning)

Gloucestershire Waste Core Strategy does not include radioactive waste policies. A review is currently being considered.

## **HAMPSHIRE MINERALS AND WASTE PLAN (adopted October 2013)**

<http://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

Fawley waste incinerator

Policy 33: Hazardous and Low-Level Radioactive Waste development

Developments to provide sufficient capacity necessary to deal with hazardous and Low-Level Radioactive Waste will be supported, subject to:

- a) no acceptable alternative form of waste management further up the waste hierarchy can be made available, or is being planned closer to the source of the residues; or
- b) in the case of landfill, it will be for material that is a proven unavoidable residue from a waste management activity further up the waste hierarchy and;
- c) it will contribute to the management of hazardous or radioactive waste that arises in Hampshire (accepting cross-boundary flows).

## **HARTLEPOOL (TEES VALLEY) (adopted September 2011)**

[file:///C:/Users/drapc/Downloads/Minerals\\_and\\_Waste\\_Core\\_Strategy\\_DPD%20\(1\).pdf](file:///C:/Users/drapc/Downloads/Minerals_and_Waste_Core_Strategy_DPD%20(1).pdf)

Hartlepool nuclear power station (operational)

The Tees Valley Joint Minerals and Waste Core Strategy contains no policy on radioactive waste.

## **KENT WASTE LOCAL PLAN (adopted July 2016)**

<http://consult.kent.gov.uk/file/4073744>

Dungeness A (decommissioning) and B (operational) nuclear power stations

Policy CSW 17 - Nuclear Waste Treatment and Storage at Dungeness

Facilities for the storage and/or management of radioactive waste will be acceptable within the Nuclear Licensed area at Dungeness where:

1. this is consistent with the national strategy for managing radioactive waste and discharges

2. the outcome of environmental assessments justify it being managed on site.

The only waste arisings from Dungeness Nuclear Licensed Site that will be acceptable as fill material for the back-filling of voids within the nuclear licensed site are inert (non-radioactive) wastes generated by the demolition of existing buildings and structures. Landfill or landraise activities that use radioactive wastes within the nuclear licensed site will not be granted planning permission.

#### Policy CSW 18 Non-nuclear Industry Radioactive Low-Level Waste Management

Planning permission will be granted for facilities that manage non-nuclear industry low level waste and very low-level waste arisings where they meet the requirements of all relevant development plan policies, in the following circumstances:

1. where there is a proven need for the facility
2. some of the source material to be managed arises from within Kent.

#### LANCASHIRE CORE STRATEGY (adopted March 2009)

<https://www.lancashire.gov.uk/media/191785/CORE.pdf>

Heysham 1 and 2 nuclear power stations (operational) and Clifton Marsh landfill site

A review of the current Core Strategy was carried out in 2018. The revisions included a proposed policy on sending radioactive waste to landfill. Further consultation on the plan is expected in autumn 2022 prior to submission to the Secretary of State in summer 2023.

#### Policy MW 23

**Landfilling of Low Level Radioactive Waste:** The disposal of low level radioactive waste will only be supported for: A proposal for the disposal of very low level radioactive waste arising from the Springfield nuclear fuel manufacturing complex, on operational land within this complex; Proposals within existing landfill sites that would not result in significant movements of waste from beyond the Plan area.

## **NORTH NORTHAMPTONSHIRE MINERALS AND WASTE LOCAL PLAN (adopted November 2017)**

<https://www3.northamptonshire.gov.uk/councilservices/environment-and-planning/planning/planning-policy/minerals-and-waste-planning-policy/PublishingImages/Pages/update-of-the-adopted-minerals-and-waste-local-plan/MWLP%20for%20adoption%20final%20REDUCED%20wCOVER.pdf>

King's Cliffe landfill site

Northamptonshire County Council ceased to exist in 2021. It's Minerals and Waste Local Plan has transferred to North Northamptonshire and West Northamptonshire Councils.

Policy 17: Development criteria for radioactive waste management

Proposals for the management of radioactive waste, including disposal, must demonstrate that:

- It represents the most appropriate management option.
- It is in line with the principle that communities take more responsibility for their own waste enabling the waste to be managed in one of the nearest appropriate installations.
- It complies with national guidance and the principles of sustainable waste management including the waste hierarchy. In doing so it should identify the intended catchment area.
- Any adverse impacts can be mitigated to an acceptable level.
- It will not prejudice the existing use where the proposal is for disposal involving collocation on an operational or committed waste disposal site.

## **OXFORDSHIRE MINERALS AND WASTE CORE STRATEGY (adopted September 2017)**

<https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/planning/mineralsandwaste/September2017/AdoptedMineralsWasteCoreStrategySept2017.pdf>

Harwell Oxford Campus (decommissioning) and Culham Science Centre (operational)

Policy W9: Management and disposal of radioactive waste

Permission will be granted for proposals for the management or disposal of low-level radioactive waste where it is demonstrated that a significant contribution could be made to the management or disposal of waste produced in Oxfordshire. Permission will be granted for proposals for management of intermediate level

radioactive waste produced in Oxfordshire at the Harwell nuclear licensed site. Permission will be granted for proposals relating to low level radioactive waste or intermediate level radioactive waste that provide for the needs of a wider area where it is demonstrated that they would meet a need for waste management that is not adequately provided for elsewhere and are consistent with national strategy for radioactive waste management.

The Minerals and Waste Local Plan: Part 2 – Site Allocations Document will allocate sites to make specific provision for:

- the treatment and storage of Oxfordshire’s intermediate level legacy radioactive waste at Harwell Oxford Campus and Culham Science Centre pending its disposal at a national disposal facility;
- the treatment and storage of low-level legacy radioactive waste at Harwell Oxford Campus and Culham Science Centre pending its eventual disposal; and
- the disposal of low-level radioactive waste at bespoke facilities at Harwell Oxford Campus or at Culham Science Centre if this is demonstrated to be the most sustainable option for disposal of this waste.

All proposals shall meet the requirements of policies C1 – C12.

### **PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN (adopted March 2019)**

<https://www.plymouth.gov.uk/sites/default/files/JLPAdoptedVersion.pdf>

Devonport dockyard (laid up nuclear submarines awaiting decommissioning)

The Plymouth and South Devon Joint Local Plan contains no policies for the management of radioactive waste.

The Plymouth Plan (adopted March 2019)

<https://www.plymouth.gov.uk/sites/default/files/PPRefresh2.pdf>

The Plymouth Plan states that:

5.46 Finally, Devonport Dockyard undertakes strategic defence operations, including work on nuclear submarines. Any specialist waste streams that arise from these operations will be expected to be managed by the site operators. Proposals which facilitate the safe and efficient transportation of any wastes from the City are supported but it is not considered that a treatment facility within the city would be appropriate.

## **SOMERSET WASTE CORE STRATEGY (adopted February 2013)**

<https://www.somerset.gov.uk/waste-planning-and-land/somerset-waste-core-strategy/>

Hinkley Point A (decommissioning), Hinkley Point B (operational) and Hinkley Point C (under construction) nuclear power stations

DM9: radioactive waste treatment and storage

Planning permission for the treatment and/or interim storage of radioactive waste at Hinkley Point will be granted within the licensed area subject to the applicant demonstrating that the proposed development:

- is consistent with national strategy for radioactive waste management; and
- includes adequate measures to mitigate adverse impacts on the environment and local community or, as a last resort, proportionately compensate for or offset such impacts; and
- is supported by robust economic and environmental assessments.

Somerset County Council also produced a Waste Topic Paper (No.6) on Radioactive Waste which can be downloaded from their website.

<https://www.somerset.gov.uk/waste-planning-and-land/somerset-waste-core-strategy/>

A review of the Waste Core Strategy is taking place in 2022-23.

Somerset is undergoing Local Government Reorganisation and a new authority will exist from 1<sup>st</sup> April 2023. Consideration is being given to the need for a new Local Plan and it is not yet clear whether existing waste policies will be retained in stand-alone plans or if these will be consumed into a new plan for the entire county. A new local plan with separate mineral/waste plans was recommended in a report prepared by officers, but the final decision has yet to go through governance processes with relevant elected members.

## **SOUTH GLOUCESTERSHIRE CORE STRATEGY (adopted December 2013)**

<https://www.southglos.gov.uk/documents/cleanversionforinterimpublishation2.pdf>

Oldbury nuclear power station (decommissioning). Potential for Oldbury B station.

POLICY CS37 - Nuclear Related Development

In its role either as determining authority for associated development, or as consultee for applications to other bodies, and within the provisions of national

policy, the Council will when assessing and responding to emerging proposals for nuclear related development including that associated with or ancillary to the existing or proposed Oldbury Power Stations, will seek to ensure compliance, where appropriate or relevant, with the following:

1. any relevant development plan documents and neighbourhood plans should shape the approach to the development of proposals for nuclear related development and any associated development or infrastructure; and
2. in order to minimise impact and maximise re-use of existing facilities and materials, opportunities have been taken where feasible to integrate the requirements of a new build power station at Oldbury with the proposed decommissioning of the existing power stations; and
3. highways and transport proposals for Oldbury NNB form part of a robust transport and logistics plan that has regard to Policies CS36 and CS37 and minimises adverse transport impacts to an acceptable level, including those arising during the construction, operation and decommissioning and restoration stages. Proposals should where feasible make a positive contribution to transportation policy objectives in the locality, and should include multi-modal solutions and investment that encourages travel by public transport, walking and cycling; and
4. the requirements of the temporary workers should be met in a way that minimises impact on the local housing market to an acceptable level, including the ability of those on low incomes to access the private rented sector, affordable housing and other housing services, or result in unacceptable adverse economic, social or environmental impacts; and
5. the siting and design of associated development should be informed by a consideration of legacy uses, so that investment in elements such as infrastructure, buildings, ecological and landscape works brings long term benefits. Where appropriate delivery plans should be agreed for legacy uses during the pre-application process that will inform the approach to the design and layout of the associated development sites, as well as the framing of a S106 and/or other agreements and CIL payments; and
6. the scheme layout and design and the scale of green infrastructure proposed should avoid, minimise mitigate or compensate for visual, landscape and ecological impacts on the local and wider area, as well as on cultural and historic aspects of the landscape, both in the short and longer term. Proposals will be expected to be commensurate with the scale of the development, and the extent of its impact; and
7. the provision of procurement, employment, education, training and recruitment strategies and delivery plans should be agreed by the Council at an early stage of project development, with an objective to maximise employment, business and training opportunities for the local communities both in the short and longer term; and
8. where community infrastructure is provided for construction workers, for example park and ride facilities, shops, healthcare and sports and leisure

- facilities, where feasible this should be sited and designed so that it can be made available for community use during the construction phase and ultimately, where appropriate, serve a community legacy use. Where there would be additional impacts or demands on existing facilities the Council will seek appropriate contributions for off-site facilities; and
9. proposals should include appropriate measures for promoting social cohesion and community safety; and
  10. the burden and disturbance borne by the community in hosting a major national or regional nuclear related infrastructure project should be recognised; and appropriate packages of community benefits will be sought to offset and compensate the community for the burden and disturbance imposed by hosting the project.
  11. any proposal (outside a DCO) to treat, store or dispose of Very Low level, Low Level or Intermediate Level Waste or to treat or to store spent fuel arising from the existing nuclear power station or any future nuclear development or from elsewhere within or outside the Council area, in an existing or proposed facility on or off the nuclear site would need to:
    - be strongly justified
    - demonstrate that the planning impacts are acceptable; and
    - demonstrate that the environmental, social and economic benefits outweigh any negative impacts.

It is possible that as the project develops, due to unforeseen consequences resulting from the construction and operation of Oldbury, the Council may require additional information from, or works to be carried out by the developer and may, as a result, seek to re-negotiate any mitigation or compensation package in order to off-set any additional impacts or burdens borne by the community affected. The developer should build in review mechanisms to monitor the full range of impacts, and to review the adequacy of mitigation or compensation measures and to make adjustments as necessary.

A new Local Plan went out to public consultation in March 2021. It contains a suite of policies covering radioactive waste and related issues.

#### Working Policy Title: Oldbury A Station- Decommissioning

The Council will work in collaboration with the NDA, relevant statutory organisations, the operators of the existing Power Station site and the promoters of nuclear new build, to agree a co-ordinated, and integrated and phased site wide strategic masterplan to deliver sustainable decommissioning proposals and beneficial use, reuse and restoration proposals as appropriate, while recognising the context of regulatory, strategy and guidance applying to nuclear decommissioning proposals.

All land use, development, demolition and waste planning proposals should be set within the context of an agreed strategic masterplan. The masterplan will provide

a clear and consistent framework, to ensure that each application can be considered in the context of delivering on the overarching proposals for the Oldbury site. Given the long term nature of decommissioning, spanning many years and even generations, it is acknowledged that plans for the site will evolve over time, and the masterplan will therefore need address both interim and end states and be capable of review and revision.

Given the importance of decommissioning the existing station, and the potential benefits of reusing the brownfield land to reduce the overall impact of NNB, when considering land use proposals at the existing Oldbury power station site, priority will sequentially be given to meeting the needs of:

- Decommissioning;
- Nuclear new build proposals;
- Other employment and/or green energy related uses.

Application of these priorities is subject to compliance with the criteria set out below and other relevant policy in the development plan.

The masterplan, including any necessary revisions, and individual proposals should seek to minimise impact on and maximise benefits and positive legacy for communities, the economy and the environment, including by:

- Securing sustainable and beneficial use and/or reuse and restoration of the site in terms of both interim and end states; and
- Protecting the site for high quality employment uses and/or green energy related uses in both in the near and longer term, while also:
- Ensuring that both the proposed works and their timing avoids impact on biodiversity designations and protected species, and where possible restoring, enhancing and managing Priority Habitats;
- Reinstating the habitat value of lagoon 3 for bird species associated with the designations on the Severn Estuary
- Conserving and where appropriate enhancing landscape character and visual amenity of the site and the locality including views across the local and wider landscape and estuary;
- Undertaking detailed archaeological and geoarchaeological assessment and investigation, recording and publication where development may impact on buried archaeological and environmental remains;
- Protecting the routes and amenity of the Severn Way and other PRow links;
- Ensuring that any associated transport proposals are effectively controlled to avoid impact on local communities and ensure the safety of other road users;
- Demonstrating resilience to climate change and any increase in flood risk.

The emerging policy on radioactive waste is also of particular relevance to the development of a masterplan for decommissioning.

#### Working Policy Title: Radioactive Waste

Proposals for the management or storage of radioactive waste, or the disposal of low level and or very low level waste at the Oldbury licensed site, will only be permitted where they are strongly justified and it is demonstrated that all of the following criteria are met:

- a) Waste is managed at the highest practicable level of the waste hierarchy; and
- b) Regard has been given to the proximity principle, and the need to minimise impacts on communities along transport routes from the site, and
- c) The environmental, social and economic impacts are acceptable and the benefits outweigh any negative effects; and
- d) Mechanisms are put in place to ensure appropriate records are kept and knowledge of the location, extent and nature of material remaining on site is available to plan makers, regulators, owners of the land and decision makers into the future, and
- e) The site will be controlled and regulated appropriately to ensure public health and environmental safety; and
- f) Measures are in place to mitigate risks from flood and climate change; and
- g) Issues such as perceived risk are fully addressed and explained, and
- h) Appropriate Community Benefits are secured to offset the intergenerational delay in the release and restoration of part of the Oldbury site, and to counter-balance any perceived impacts and negative perceptions from the presence of LLW on the site.

Where it is proposed that capacity is provided for the management of waste from other sites, it can be demonstrated it is strongly justified that the facility will meet a need that is not met elsewhere that better accords with the proximity principle, and accords with the above criteria.

This policy will be applied in consideration of both on and off-site issues, including impacts arising as a result of the transport of radioactive waste off site.

Proposals for waste management or disposal should form an integral part of the strategic decommissioning masterplan for the Oldbury site, in accordance with emerging Local Plan 2020 policy. The principles of radioactive waste management should also form an integral part of NNB DCO proposals.

## SUFFOLK WASTE CORE STRATEGY (adopted July 2020)

<https://www.suffolk.gov.uk/planning-waste-and-environment/minerals-and-waste-policy/waste-core-strategy/>

Sizewell A (decommissioning) and B (operational) nuclear power stations.  
Proposal for Sizewell C.

Policy WP2: Proposed site for radioactive waste management

The County Council will grant planning permission for radioactive waste management on the following specific site, as shown on the proposals map, subject to the other relevant policies of the Development Plan.

a) Site W1 Sizewell "A" Nuclear Power Station

Policy WP16: Treatment and storage of radioactive waste at Sizewell nuclear power stations

Planning permission for the treatment and/or interim storage of radioactive waste at Sizewell nuclear power stations may be granted within the licensed area subject to the applicant demonstrating that the proposed development:

- a) is consistent with national strategies for radioactive waste management;
- b) there are exceptional circumstances why the development is justified within the Suffolk Coasts & Heaths Area of Outstanding Natural Beauty;
- c) includes adequate measures to mitigate adverse impacts on the environment and local community or, as a last resort, proportionately compensate for or offset such impacts;
- d) is supported by robust economic and environmental assessments;
- e) utilises the existing rail link for the transportation of the radioactive waste unless it is demonstrated to be economically or practically unviable, and;
- f) the proposals comply with the environmental criteria set out in Policy GP4.

Policy WS1: Sizewell 'A' Nuclear Power Station

Proposals for the management of waste arising from the decommissioning of Sizewell 'A', together with other waste from sister stations in accordance with the national policy to share waste facilities, will be acceptable so long as the proposals, adequately address the following:

- a) a programme of archaeological investigation if the proposed development is located on an area of previously undisturbed land, which will include assessment of, and provide mitigation strategies for, near surface archaeological potential and Palaeolithic potential (at depth);

- b) likely adverse impacts (either individually or in combination with other developments) on the notified special interest features of Sizewell Marshes SSSI, Suffolk Shingle Beaches CWS, MinsmereWalberswick Heaths & Marshes SSSI, Minsmere-Walberswick SPA/Ramsar, Sandlings SPA, Leiston-Aldeburgh SSSI, on European and UK protected species, UK priority species, and the preservation of the flora and fauna associated with the established sand dunes on Sizewell beach including protect species such as Adders, unless there is an overriding need;
- c) detailed assessment of the impacts on the special qualities of the Suffolk Coasts & Heaths AONB and on the Suffolk Heritage Coast, and demonstration of the exceptional circumstances that justify development within the AONB;
- d) mitigation of identified landscape and visual impacts and reinstatement which is in keeping with the local landscape character;
- e) the preservation of the existing public rights of way on Sizewell beach unless there is an overriding need;
- f) the safeguarding of existing pylons, and;

Proposals must also be generally in accordance with other policies of the development plan including the environmental criteria set out in Policy GP4.

### **WEST BERKSHIRE MINERALS AND WASTE LOCAL PLAN (adopted December 2022)**

<https://www.westberks.gov.uk/mwlpe>

Aldermaston Weapons Establishment and Burghfield

#### Policy 13 - Radioactive Waste Treatment and Storage at AWE

Facilities for the storage and/or management of radioactive waste will be acceptable within the Nuclear Licensed area at AWE Aldermaston and AWE Burghfield where:

- There is a proven need for the facility; and
- A notable proportion of the material to be managed arises from within West Berkshire