

**Permitted Development Rights (PDRs):
Minute of meeting between Nuleaf, NDA/NRS and Avison Young**

6th September 2024 (via Teams)

Attendees:

Philip Matthews (Chair)	Nuleaf
Jonathan Cook	Cumberland Council
Heather Morrison	Cumberland Council
Eleanor Godesar	Dorset Council
Naomi Gould	East Suffolk Council
Terry Burns	Essex County Council
Sion Roberts	Eyri/Snowdonia NPA
Claire Bromley	Gloucestershire Council
Amartya Deb	Gloucestershire Council
Edward Wright	Lincolnshire Council
Louise Martin	Somerset Council
Gillian Ellis-King	South Gloucestershire Council
Jon Severs	South Gloucestershire Council
Rachel Whaley	Westmorland and Furness Council
Angharad Crump	Ynys Mon/Anglesey County Council

Speakers/Guests

Matt Verlander	Avison Young (AY)
Frank Wigley	Nuclear Decommissioning Authority (NDA)
Matthew Meldrum	Nuclear Restoration Services

1. Introduction

The Chair (PM) welcomed RWPG members along with guests from the NDA, Avison Young (AY) and NRS. He noted that this meeting was part of an ongoing dialogue on planning matters around nuclear sites, but that the primary focus of today's meeting was Permitted Development Rights (PDRs). He introduced Matt Verlander of Avison Young (AY) and invited him to open the meeting with his presentation.

2. Presentation

MV delivered his presentation, which was circulated to attendees in advance. He noted that Avison Young have been engaged by the NDA to:

- Provide an outline of the issues presented by the PDR legislation for nuclear decommissioning and remediation activities.
- Provide an overview of the additional programme and cash costs resulting from the PDRs ambiguities, and potential savings.
- Outline options for amending PDR regulations in order to improve their efficiency and effectiveness.
- Set out the preferred option and an approach for establishment of a new PDR category to support nuclear decommissioning and remediation related to the principal

In 2023 the NDA prepared an initial report on PDRs as these applied to the NDA estate. This work has been taken forward within NDA Group and through engagement with others including Nuleaf. Arising out of the research and discussion is the strong perception, shared by the NDA, operators and Local Planning Authority (LPA) officers that their work could be made more effective and efficient if the current system of PDRs were less open to inconsistent interpretation at a national and local level.

The focus is to be on allowing minor and uncontroversial development to take place without needing a full planning application. This will enable supporting and ongoing operational activities, reduce the burden on the operator and Local Authority therefore enabling resource to be better focused on major projects.

There are alternative means by which such PDRs changes might be implemented, which needs further investigation. These might be:

- Extend the application of statutory undertakers (e.g. electricity) Permitted Development Rights to nuclear decommissioning and remediation activities;
or
- Create a new part of the legislation by modify an existing Permitted Development class such that it applies to nuclear decommissioning and remediation.

The preferred option was the establishment of a new PDR category for nuclear decommissioning and remediation. The next steps for this work are to:

- Conduct further assessment and quantification of the programme and cost savings that a change would bring.
- Continue to engage with LPAs, regulators and also with the UK Government (MHLUC) to understand the process for developing PDRs for the sector.
- Develop case studies of what this would look like

Matt invited comments and questions from those present. He also asked that members highlight potential case studies, either today or in the coming weeks.

3. Questions and comments

PM thanks Matt for the presentation and invited questions.

Question: *For clarification, would the same approach apply to all NDA land? The situation is very different between a core site with lots of buildings and facilities and a borderland which might consist of open fields.*

Answer: This is not about looking at all land in the same way. The primary interest is in land that is actively engaged in decommissioning activities which will be in the core areas but also elsewhere such as around discharge pipelines.

Question: *I support the basic proposal for use of PDRs as, in my experience at Sizewell we get bogged down in applications for what are minor activities with little impact. The key though is to ensure that this is worded and framed in the correct way so that it only applies where it is appropriate.*

As a question I wanted to ask about cumulative impacts. At Sizewell we have a decommissioning site, a current nuclear station and also preparatory work for a new nuclear site. If taken together the cumulative impacts will ensure that an Environmental Impact Assessment (EIA) is required so some careful thought is needed isn't it?

Answer: A very good point. This is an issue we will take back to colleagues.

Question: *To echo an earlier point, at Sellafield we have a very busy site sitting in the middle of countryside and so I agree with the earlier question regarding the need for considering the specifics of a location and context.*

My question is, have you considered a prior notification approach? This has worked well in some situations. Also, I would like to note that there a number of potential case studies related to the Sellafield site.

Answer. Thank you for the point regarding prior notification (others supported). We will look into this further. We have also noted the scope to look at Sellafield for case studies.

Comment: *As others have said, the context is very important. What would be viewed as a small issue at Sellafield might be seen as a significant issue at Oldbury. Defining the scope of work and impacts will be hard as these are very site specific. For example, hard surfacing may be fine in many contexts but not in an area that was significant for wading birds. Somethings that may be acceptable in the middle of a site will not be OK at the edge.*

Answer: Thank you. We clearly will need to develop an approach that focuses on the site-specific context. We also note the resource constraints that NRS' TCPA team has at present which suggests a need for NRS and NDA to work closely with sites and local planning authorities.

Question: *Is a greater use of PDRs really going to be that significant in terms of time and cost savings?*

Answer: Yes, we have researched this and believe there will be considerable time and cost savings to both the NDA and local authorities. Our estimate is that the savings will be in the low tens of millions per year for the NDA and several millions to local authorities. This is borne out by the experience to date at Winfrith where, for example, the process to drill boreholes on NDA land was both complex and time consuming. It pushed up the cost of something that wasn't controversial.

Question: *We need to set this work within the wider planning context. We therefore need to develop strategic or master plans for each site to provide an overview of the location and what is planned, don't we?*

Comment: *Given GBN's interest in development at Oldbury and Wylfa, perhaps these could be new Lead and Learn sites to enable learning from the interface with new nuclear.*

Answer: We are supportive of Strategic Plans being developed if appropriate. We also note your point about the need to understand the particular challenges posed by the new nuclear interest at some sites.

Comment: *In addition to Master-planning it is important to also consider more local dialogue. This would help understand local perspectives on what was important and build an understanding of the short, medium and long term plans.*

Comment: *It should be noted that at Sellafield there is an engagement protocol though this is not always followed.*

Answer: Thank you – that need for wider engagement is important and we will give more thought to engagement protocols.

The Chair thanked the presenters and RWPG members for their contribution to a very useful session. It was clear that further dialogue on this issue was required, and

he looked forward to engagement with NDA/NRA and AY as this work progressed. He noted that there was a good level of agreement among RWPG members as to the key issues that need to be considered. He summarised these as:

- Every site is different, and indeed the context for PDRs is different within sites, depending on location, environmental considerations and a range of other factors. Engagement and dialogue with LPAs and communities could help inform a proper understanding of this.
- The application of PDRs, if done correctly, is something that many Local Planning Authorities would support, as it could reduce the burden on under pressure planning departments.
- Other tools and frameworks, such as Masterplans/Strategic Plans and Engagement Protocols should also be considered. Prior notification could also be valuable.

Action	RWPG members to provide NDA/AY with any perspectives, from a local authority standpoint, as to how MHCLG might develop specific PDRs for decommissioning and waste management
Action	RWPG members to provide NDA/AY with any proposed case studies.
Action	Nuleaf to engage with any consultation by Government on proposed changes to PDRs as they relate to nuclear sites.