

<b>Meeting:</b>	NuLeAF Steering Group, 9 <sup>th</sup> September 2020
<b>Agenda Item:</b>	8
<b>Subject:</b>	Update on national developments in radioactive waste management
<b>Author:</b>	Philip Matthews
<b>Purpose:</b>	This paper provides an update on recent developments in radioactive waste management and Nuclear Decommissioning Authority (NDA) operations.

## Introduction:

This paper updates members on recent developments in radioactive waste management and NDA operations. It covers:

- NDA update;
- Launch of Strategy 4 Consultation;
- Sellafield update;
- Magnox Decommissioning Strategy;
- Publication of ONR Strategy;
- Meeting with SSG Forum; and
- NuLeAF Briefing Paper on Planning Obligations.

## Recommendations:

1. That the Steering Group approve the actions outlined under Item 6, namely that:
  - NuLeAF should co-opt, as an observer, the Chair of the UK SSG Forum to the Steering Group.
  - NuLeAF's Chair should be co-opted to the SSG Forum.
  - An annual meeting involving the SSG Chairs and NuLeAF should be organised, to be held approximately 6 months after the annual NDA Stakeholder Summit. NDA will help organise this meeting.
  
2. That the Steering Group approve Briefing Paper 6: The Use of planning Obligations in radioactive waste management subject to any further amendments agreed in the meeting. (Item 7).

### 1. NDA update

1.1 The NDA has published its **Economic and Social Impact Strategy**<sup>1</sup> which was amended following a consultation to which NuLeAF and a number of local authorities responded.

Given the significant impact of Covid-19 on the economies of nuclear communities, the NDA have moved away from their aspiration that this Strategy would remain in its current form for the next 6 years. Instead there is a commitment to further

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<sup>1</sup> <https://www.gov.uk/government/collections/working-with-our-communities>

discussion on how the NDA can help support communities in the Covid-19 recovery phase.

NuLeAF is in discussion with NDA on the scope for further engagement in the coming months on socio-economics and is also proposing additional engagement with local authorities after the Covid-19 crisis has ended and its full impact on communities is understood.

1.2 NuLeAF's Executive Director has been invited to join the NDA's **Net Zero Beacon Project Group**. The aim of the Group is to set meaningful targets for carbon emission reductions and develop a roadmap of opportunities for delivery. The work covers the whole of the NDA estate including nuclear sites and subsidiaries and is looking at both direct and indirect emissions. NuLeAF is the only external organisation represented on the Group.

The NDA's work on carbon emission reduction is part of its wider undertakings on sustainability. Another key strand of that is the development of a **One NDA Sustainability Report**.

A meeting to discuss the draft report was held on the 25<sup>th</sup> August and well attended by NuLeAF members. In her presentation, Alyson Morris of NDA explained that this is the first time that NDA has produced a Sustainability Report. While it is a work in progress, she felt that it has already proved useful in taking stock of current and planned action in diverse areas from energy to biodiversity and socio-economics.

The NDA is also seeking to integrate sustainability as a thread running through NDA Strategy 4 and other key documents such as Mission Progress reports. The draft Report includes case studies of positive practice from across NDA group and it is hoped that the report will be a beneficial tool for engagement with stakeholders.

Members provided a range of feedback. Key points included that:

- NDA should work through NuLeAF and with individual local authorities to develop site-specific sustainability reports. These should connect with the work of councils on net zero carbon and sustainable development.
- NDA should set clear performance indicators and reporting procedures for sustainability.
- There is a need to integrate action by NDA with wider strategic work on energy and infrastructure.

Following the meeting, members provided further written comment to NDA. The Report is expected to be finalised by the end of September.

1.3 The **Annual Report and accounts** of the NDA for 2019-20 have been released<sup>2</sup>, The report details the changes that have taken place in NDA group and the progress made in cleaning up the various NDA sites.

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<sup>2</sup> <https://www.gov.uk/government/publications/nuclear-decommissioning-authority-annual-report-and-accounts-2019-to-2020>

1.4 It was announced on the 10<sup>th</sup> July that the **Parent Body Organisation (PBO)** contracts for both LLWR and Dounreay will be terminated early, with both bodies moving to become wholly owned subsidiaries of the NDA within the next year. This decision represents a further move to develop a more closely integrated organisation under the '**One NDA**' banner. NuLeAF has enjoyed a positive relationship with LLWR and it is hoped that their approach to stakeholder engagement can be maintained in future.

1.5 It has been confirmed that the planned **NDA Stakeholder Summit**, due to be held in Edinburgh in October, will not now take place due to the continued challenges posed by Covid-19. Instead NDA is proposing to hold an online engagement event in November 2020, with a focus on integrated waste management; and another meeting (online or in person) in spring 2021, the theme of which has yet to be determined. It is hoped that a full Stakeholder Summit can proceed in autumn next year.

The NDA has indicated it is interested in NuLeAF playing an active role in the November meeting, and discussions are ongoing on the format of that event.

## **2. Launch of Strategy 4 Consultation**

2.1 A consultation on the draft **NDA Strategy** was launched on the 17<sup>th</sup> August and will run for 12 weeks<sup>3</sup>. The Strategy is the key guiding document for the Authority and is refreshed every 5 years. Also out for consultation is a strategic position paper on Near Surface Disposal (NSD) and the Integrated Impact Assessment (IIA) undertaken on the draft Strategy.

NuLeAF is drafting a consultation response, which will be circulated in the next week, and has organised a special meeting on Strategy 4, being held online on the afternoon of the 23<sup>rd</sup> September. This will provide an opportunity to hear from NDA on the changes in Strategy since 2016 and the plans for taking forward work on NSD. Time will also be set aside to discuss NuLeAF's consultation response.

2.2 NDA is also planning a stakeholder consultation event on Strategy 4 which will be open to NuLeAF members. Details of this will be circulated when available.

## **3. Sellafield Update**

3.1 Cumbria County Council has granted permission to Sellafield to continue to store 11,000 cubic metres of encapsulated Intermediate Level Waste (ILW) at one of its buildings.

Permission for storage of the waste was originally granted in 1992 but this was due to expire next year. At a virtual meeting of the Council's development control and regulation committee, councillors voted unanimously in favour of removing the

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<sup>3</sup> <https://www.gov.uk/government/consultations/nuclear-decommissioning-authority-nda-draft-strategy-for-consultation>

condition and allowing the waste to continue to be stored there, following an application by Sellafield Ltd. The new permission enables interim storage to continue until a Geological Disposal Facility (GDF) is available.

3.2 Sellafield has developed a **6-month tactical plan**<sup>4</sup> to guide the scaling up of operations on the site. Only around 1,000 staff remained on site during the height of the Covid-19 emergency but it is envisaged that number will increase to around 4,500 by the end of 2020, about half the pre-Covid-19 onsite workforce.

As part of these plans the Magnox Reprocessing Plant reopened in early August to reprocess the final 1% (538 tonnes) of Magnox fuel; and work has restarted on the retrieval of waste from the high hazard legacy silos and ponds. It is expected that the plan will provide a similar level of work for contractors as was the case before lockdown.

3.3 The **Magnox Reprocessing Plant** at Sellafield was evacuated on the 13<sup>th</sup> August following the discovery of organic peroxide, which is potentially dangerous if not stored at the correct temperature, during a routine inspection.

3.4 NuLeAF has been invited to join a small group tasked with scoping out a '**strategic futures**' approach to the decommissioning of Sellafield.

The group also involves the Environment Agency, Sellafield, NDA, ONR and BEIS and its objectives are to:

- Identify opportunities to change the strategy and lifetime plan for decommissioning the Sellafield nuclear complex so that it is more robust for a range of different futures and therefore more sustainable from an environmental, social and economic point of view;
- Create a shared understanding about future risks and opportunities to 2100 by convening important stakeholders; and
- Develop capacity in target audiences to understand and deal with future uncertainty.

The group has met twice so far with regular meetings planned over the coming months. Once the proposals are fully scoped out it is intended to engage directly with the Cumbrian local authorities to take this work forward.

## 4. Magnox Decommissioning Strategy

4.1 It was announced on the 30<sup>th</sup> July that Trawsfynydd has been selected as the lead site for Magnox reactor decommissioning, based on an assessment of all sites against criteria including the potential for future uses and the physical state of the infrastructure. It follows a decision by the NDA to review the former blanket strategy of deferred decommissioning for Magnox sites which would have seen all sites placed in Care and Maintenance for 60 years before final site clearance.

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<sup>4</sup> [https://www.gov.uk/government/news/sellafield-ltd-to-restart-reprocessing-and-further-boost-operations-in-2020?utm\\_source=277376ff-c392-4584-98e5-9787c419a005&utm\\_medium=email&utm\\_campaign=govuk-notifications&utm\\_content=immediate](https://www.gov.uk/government/news/sellafield-ltd-to-restart-reprocessing-and-further-boost-operations-in-2020?utm_source=277376ff-c392-4584-98e5-9787c419a005&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate)

The new approach at Trawsfynydd will see the reactors fully decommissioned without a period of deferral. In turn, the experience learned there, along with that gained at the other lead site at Bradwell, will be used to guide the approach to decommissioning elsewhere.

The NDA has committed to develop site-specific decommissioning strategies for all Magnox sites over the next 12 to 18 months. NuLeAF aims to clarify the exact approach that will be taken to the development of these new site strategies and ensure appropriate engagement of local authorities in their preparation.

4.2 Magnox published their interim **Socio-economic Plan 2016-21**<sup>5</sup> on the 27<sup>th</sup> August. The aim is to support the NDA's objective of *'the creation of dynamic, sustainable local economies for communities living near our sites'* and there is a commitment to focus support on initiatives that will maximise impact through linking to local authority strategies, BEIS policies and the NDA's property strategy. While there is no formal consultation on this interim plan, NuLeAF will be writing to Magnox to comment. There is a commitment to a full consultation in 2021 leading to a new 5-year plan.

NuLeAF's December Steering Group meeting will host an extended session with Magnox that will include discussion of socio-economics.

## 5. Publication of ONR Strategy

5.1 The Office for Nuclear Regulation (ONR) has published its **Strategy for 2020-25**<sup>6</sup>. The Strategy sets out the organisation's mission and values along with 4 strategic themes, one of which is *'Inspiring stakeholder confidence.'* The ONR has committed to publishing a Stakeholder Engagement Strategy this autumn.

## 6. Meeting with SSG Forum

6.1 A meeting between NuLeAF and the Site Stakeholder Group (SSG) Chairs Forum was held by video on the 4<sup>th</sup> August. This involved NuLeAF's Chair and Executive Director along with Cllr Aled Morris Jones and Cllr Mike Caswell, Chair and Vice Chair respectively of the UK SSG Forum. John McNamara of the NDA also participated.

The aim of the meeting was to discuss the respective roles of NuLeAF and the SSGs and the opportunities to build better understanding between the networks. After a positive discussion a number of actions were proposed, namely that:

- NuLeAF should co-opt, as an observer, the Chair of the UK SSG Forum to the Steering Group.
- NuLeAF's Chair should be co-opted, as an observer, to the SSG Forum.
- An annual meeting involving the SSG Chairs and NuLeAF should be organised, to discuss issues of common interest and share experiences. This should be

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<sup>5</sup> <https://www.gov.uk/government/publications/magnox-socio-economic-plan-2016-21-interim>

<sup>6</sup> <http://www.onr.org.uk/documents/2020/onr-strategy-2020-2025.pdf>

held approximately 6 months after the annual NDA Stakeholder Summit. NDA will help organise this meeting.

Regarding the proposal to co-opt the Chair of the UK SSG Forum to the NuLeAF Steering Group as an observer, the following points should be noted.

- Such a co-option is permissible under the NuLeAF constitution.
- The co-option would apply to whoever is the Chair of the SSG Forum at a given time. Not all SSG Chairs are Elected Members, or from England and Wales. However, the Chair of the SSG Forum would be there to maintain the link between the organisations.
- As an observer they would not be able to participate in votes taken at NuLeAF meetings.

Members of the Steering Group are requested to approve these actions.

It was also agreed that NuLeAF's Executive Director will be invited to deliver a presentation to the SSG Chairs Forum meeting on the 18<sup>th</sup> September.

## **7. NuLeAF Briefing Paper on Planning Obligations**

A full revision of the NuLeAF Briefing Paper on **Planning Obligations in Radioactive Waste Management** has been undertaken. (Appendix 1).

There are a number of examples of where planning obligations have delivered value to nuclear communities and NuLeAF would like to see the use of this mechanism extended where appropriate. The Briefing Paper explains the use of mitigation measures (Section 106 Agreements and the Community Infrastructure Levy) and provides examples of their use in the context of radioactive waste management. The Paper sets out recommendations for how these mechanisms could be used to promote positive outcomes.

A draft of the new paper was circulated for comment and a revised version is presented for approval.

# Appendix 1: THE USE OF PLANNING OBLIGATIONS IN RADIOACTIVE WASTE MANAGEMENT



## Briefing Paper 6

September 2020

### 1. Introduction

NuLeAF seeks delivery of the maximum economic, social and environmental value for the communities that host nuclear decommissioning facilities and infrastructure, as set out in **Policy Statement 5** on socio-economics and **Policy Statement 7** on community benefits<sup>7</sup>.

One component of an overall package of benefits is the use of mitigation measures, delivered through the planning system, to enhance the positive impacts of development and reduce negative consequences. These are most commonly delivered through **Section 106 agreements** although the **Community Infrastructure Levy** can also be used. The Government is currently considering replacing these two mechanisms with a single Infrastructure Levy and this briefing paper will be updated once there is clarity on any changes to the framework.<sup>8</sup>

There are a number of examples of where planning obligations have delivered value to nuclear communities and NuLeAF would like to see the use of this mechanism extended where appropriate. This Briefing Paper explains the use of mitigation measures in a nuclear context, setting out:

- What Section 106 Agreements and the Community Infrastructure Levy are;
- The use of planning obligations in radioactive waste management; and
- Conclusions.

This paper has been developed with NuLeAF's Radioactive Waste Planning Group (RWPG) consisting of senior land use and waste planners from across England and Wales. NuLeAF has also developed **Briefing Paper 13**<sup>9</sup> which looks at the wider issues around Community Benefits; and **Briefing Paper 11**<sup>10</sup> covering the issues around radioactive waste management and local plans.

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<sup>7</sup> <https://www.nuleaf.org.uk/document-library/policy-statements>

<sup>8</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/907647/MH-CLG-Planning-Consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MH-CLG-Planning-Consultation.pdf)

<sup>9</sup> <https://www.nuleaf.org.uk/wp-content/uploads/2020/02/Briefing-Paper-13-Community-benefits-final.pdf>

<sup>10</sup> <https://www.nuleaf.org.uk/wp-content/uploads/2020/06/BP11-2020-Radwaste-and-local-plans.pdf>

## 2. Section 106 Agreements and the Community Infrastructure Levy

Section 106 of the **Town and Country Planning Act 1990**<sup>11</sup>, amended in 2013<sup>12</sup>, provides that a developer may enter into a planning obligation enforceable by the local planning authority or other party to the agreement.

These planning obligations, commonly referred to as **Section 106 agreements** or '**developer contributions**', can be entered into by a person with an interest in the land (e.g. a developer) and the local planning authority; or via a unilateral undertaking entered into by a person with an interest in the land, without the local planning authority. Planning obligations are legally binding and enforceable, though a unilateral undertaking cannot bind the local planning authority because they are not party to it.

Section 106 applies across England and Wales though within a different planning context. The latest guidance in each country is provided here<sup>13</sup> and here<sup>14</sup>. Planning obligations should only be sought when they meet the following test, namely that they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These tests are set out in regulation 122<sup>15</sup> (as amended by the 2011 and 2019 Regulations) and as policy tests in the **National Planning Policy Framework** (para 54 to 57)<sup>16</sup>.

They can be used to secure a contribution from a developer to compensate for loss or damage created by the development, or to mitigate the impact of a development. Where compensation or mitigation is required, planning obligations should be based on a clear and up to date assessment of the impacts likely to be created by development and the nature and scale of the measures needed to address these impacts.

The guidance notes that planning obligations assist in benefitting local communities and support the provision of local infrastructure. Local communities should therefore be involved in the setting of policies for contributions expected from development.

The **Community Infrastructure Levy (CIL)**<sup>17</sup> is another tool that can be employed by local authorities to deliver the infrastructure needed to support local development. Any new development that is not a building which people normally go into (including inspecting plant and machinery) and that creates net additional 'gross

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<sup>11</sup> <https://www.legislation.gov.uk/ukpga/1990/8/section/106>

<sup>12</sup> <https://www.legislation.gov.uk/uksi/2013/147/contents/made>

<sup>13</sup> <https://www.gov.uk/guidance/planning-obligations>

<sup>14</sup> <https://senedd.wales/Research%20Documents/19-024/24%20-%20Web%20-%20English.pdf>

<sup>15</sup> <https://www.legislation.gov.uk/uksi/2010/948/regulation/122/made>

<sup>16</sup> <https://www.gov.uk/guidance/national-planning-policy-framework/4-decision-making#para56>

<sup>17</sup> <https://www.gov.uk/guidance/community-infrastructure-levy>

internal area' of 100 square metres or more is potentially liable for CIL. The Levy only applies in areas where a local planning authority (mainly a district or unitary authority) has consulted on, and approved, a charging schedule which sets out its levy rates. This must be published on its website.

Charges from the CIL are based on simple formulae which relate the charge to the size and character of the development. The proceeds of the levy must be spent on new or improved infrastructure such as schools, transport and flood defences, that are 'needed to support the development of its area'.<sup>18</sup>

The Community Infrastructure Levy (CIL) has not replaced Section 106 agreements. However, S106 agreements, in terms of developer contributions, should be focused on addressing the specific mitigation required by a new development, while CIL can address the broader impacts. The balance between the use of S106 and CIL will be different depending on the nature of the area and the type of development being undertaken.

### **3. Use of planning obligations in Radioactive Waste Management**

The decommissioning of nuclear power stations and the management of legacy wastes create a range of adverse economic, social and environmental impacts on host communities.

These impacts can be mitigated through the use of **planning obligations** or recognised through the provision of **community benefits packages**. These are separate mechanisms and can be employed together, complementing each other, or in isolation. Any community benefits package will be in addition to mitigation secured through planning obligations or other relevant legal agreements.

Both planning obligations and community benefits can and have been used in relation to nuclear sites and waste management. In terms of planning obligations, current examples in the UK are:

#### **i. Copeland Community Fund**

The national **Low-Level Waste Repository (LLWR)** has acted as a disposal site for LLW since 1959. To extend the capacity of the site a new, engineered vault (Vault 9) was completed in 2010.

As part of the planning process, the NDA made a unilateral undertaking to Cumbria County Council, under S106, to establish a fund recognising the contribution that the local community will provide to the nation by hosting the LLWR and the '*adverse impacts and stigma caused by hosting this unique Low Level Waste Repository*'.<sup>19</sup>

The provisions in the undertaking are stated to be planning obligations for the purposes of Section 106 of the 1990 Act. The undertaking<sup>20</sup> further states that:

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<sup>18</sup> [The Community Infrastructure Levy Regulations 2010, regulation 59](#)

<sup>19</sup> <https://www.nuleaf.org.uk/wp-content/uploads/2014/02/LLWR-Community-Fund-Case-Study-2-Nov-08.pdf>

<sup>20</sup> <https://cumbria.gov.uk/elibrary/Content/Internet/538/755/1929/17716/17717/3956211492.PDF>

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

A **Copeland Community Fund**<sup>21</sup> was established, with LLWR contributing an initial endowment of £10 million to the fund and providing an additional £1.5 million per year, for the period of operation of the repository. The income or capital from the fund is available to be spent on a wide range of projects supporting work and skills, health and wellbeing, infrastructure, environmental enhancement and support for young people.

It was the first agreement of its kind in the UK. The Fund is administered by a Board involving representatives of Cumbria County Council, Copeland Borough Council, NDA and LLWR along with two independent members. A staff team of 6 oversees the administration of the fund.

## **ii. Caithness and North Sutherland Fund**

As part of the remediation of the NDA's Dounreay site on the north coast of Scotland, consent was given to the construction of six LLW disposal vaults. The cost of the construction of these and the subsequent management is estimated at £110 million<sup>22</sup>.

The first vault was completed in 2014 with the aim being that all LLW will be packaged for long term storage or disposal by 2025. Once the vaults have been sealed and the surface restored, access to parts of the site will be restricted until 2300 to allow the radioactivity to decay.

As a planning condition of the site, a package of community support was agreed under a Section 75 agreement, the Scottish equivalent of a S106<sup>23</sup>. This benefits package recognises the acceptance by Highland Council of a strategically important facility at Dounreay and is intended to increase the attractiveness of Caithness & North Sutherland as a place to live, work and invest. It places a particular emphasis on achieving environment, social, culture and infrastructure improvements.

Under this agreement, an initial £1 million was made available in 2011, when construction began, with additional payments of £300,000 per annum being made for 10 years from 2014, when the facility became operational.

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<sup>21</sup> <https://copelandcommunityfund.co.uk/>

<sup>22</sup> <https://www.neimagazine.com/features/featurebuilding-dounreays-llw-vaults-4435386/>

<sup>23</sup> <http://www.dounreaystakeholdergroup.org/files/downloads/download1736.pdf>

Funding is dispersed through the **Caithness and North Sutherland Fund**<sup>24</sup> and is overseen by a Board comprising 3 Highland Councillors along with 6 community representatives. Grants of between £1,000 and £30,000 are available.

### iii. King's Cliffe

The **East Northants Resource Management Facility (ENREF)** is an engineered landfill located at Kings Cliffe in Northamptonshire. As part of the planning permission for the disposal of Low-Level radioactive Waste (LLW) and Naturally Occurring Radioactive Material (NORM) at the site, a Section 106 agreement was reached between the operator, Augean plc, and the local authority.

The agreement acknowledges that risks to health or the environment from the disposal of LLW are low. Instead the Community Fund is intended to provide:

*'positive financial support for various social and economic projects in the community in order to counter-balance any perceived impacts of the Development together with any negative perceptions within the local community from the presence of LLW on the Land'.*

The type of projects supported through the Community Fund are defined as<sup>25</sup>:

*(a) the maintenance, repair or restoration of a building open to the public;  
(b) the provision, maintenance or improvement of a public park or other public amenity.  
Reasonable running costs (including salaries and expenses) associated with the above could also be supported. The projects would have to be within a 10 mile radius of the site and any projects supported are not operated with a view to profit.'*

Through this, payments of £5 per tonne of radioactive waste are made into a local Community Fund<sup>26</sup>. The fund is administered by Northamptonshire County Council and supports a range of community projects.

### iv. Sizewell B

S106 has also been used in relation to the operational **Sizewell B** nuclear plant. In July 2011 the Minister for Energy granted approval for the construction of a dry fuel store for spent fuel at the site, with this being completed in 2016. Suffolk County Council's argument that construction of the store would delay site restoration and release of part of the site was accepted, and a mitigation package comprising an

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<sup>24</sup> <https://www.cnsf.org.uk/>

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<https://cmis.northamptonshire.gov.uk/cm5live/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=e02VK4fGEs6iPnU0fYTNhdVgCwrZpUsVITPqwmZWGdUcxEJ5IAbmQ%3D%3D&rUzwRPF%2BZ3zd4E7Ikn8Lvw%3D%3D=pwRE6AGJFLDNIh225F5QMaQWcTPhwdhUfCZ%2FLUQzqA2uL5jNRG4jdQ%3D%3D&mCTIbCubSFfXsDGW9IXnlq%3D%3D=hFfIUdN3100%3D&kCx1AnS9%2FpWZQ40DXFvdEw%3D%3D=hFfIUdN3100%3D&uJovDxwdjMPoYv%2BAJvYtyA%3D%3D=ctNJff55vVA%3D&FgPIIEJYlotS%2BYGoBi5oIA%3D%3D=NHdUROburHA%3D&d9Qjj0ag1Pd993jsyOJqFvmyB7XOCSQK=ctNJff55vVA%3D&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJff55vVA%3D&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJff55vVA%3D>

<sup>26</sup> <https://www.makingmusic.org.uk/funding-opportunity/east-northants-resource-management-facility-fund-kings-cliffe>

initial payment of £120,000 and annual payments of £20,000 for the subsequent 60 year or until the store is decommissioned was set up under an S106 Agreement.

Monies are managed by a Funding Group involving EDF, Suffolk County Council and East Suffolk Council in consultation with the Suffolk Coast and Heaths Unit. Funds are used to improve the amenity and accessibility of the Area of Outstanding Natural Beauty in which Sizewell is located, and the contribution is reviewed every 5 years against the Consumer Price Index to ensure value is not eroded.

#### **4. Conclusions**

The examples highlighted above illustrate the potential for local planning authorities to use S106 (and potentially the CIL) to address actual or perceived negative impacts resulting from nuclear waste management, and to enhance the local economy, society or environment.

With regard to new developments, for example waste stores and/or disposal, S106 and the CIL are mechanisms that local authorities may wish to consider in situations whether proposals meet the required planning tests. **NuLeAF will use our RWPG to share practice and inform thinking on how best to use developer contribution agreements within a nuclear context.**

To provide a basis and rationale for negotiation of agreements **it will be helpful for relevant Local and Waste Plans to address issues relating to impacts arising from decommissioning and radioactive waste and the need for their mitigation, perhaps outlining the potential nature of impacts in the subtext.**

Any agreement around 'developer contributions' **does not preclude the agreement of wider community benefit packages around nuclear installations, and local authorities should consider the scope for both.**

NuLeAF believes that a **clear, consistent, fair and ambitious approach is required to the provision of community benefits for nuclear decommissioning and radioactive waste management in the UK.** This should recognise the impacts (real and perceived) on communities and their role in hosting nuclear legacy on behalf of the nation, including (a) nuclear decommissioning sites (b) long term nuclear waste stores (c) radioactive waste management and disposal infrastructure such as landfill sites and (d) radioactive waste disposed of or left in-situ or on-site.

Looking forward, Government is consulting on changes to the planning system in England, with their proposals including reform of planning obligations and the CIL, replacing both with a value based flat rate charge. This will not affect any existing agreements for developer contributions but may alter the framework and scope for future agreements and funding.

The current consultation is very much focussed on simplifying the system for the development of new housing. It remains unclear how the new approach might be used in relation to radioactive waste management and it is hard to see how such a mechanism could be used in relation to, for example, a Geological Disposal Facility, an Intermediate Level Waste (ILW) store or a landfill site. **NuLeAF will respond to the consultation and seek clarification from Government on how they believe the Planning White Paper proposals could be effectively applied to nuclear decommissioning and waste management infrastructure.**