

Our Ref: Oldbury
Your Ref: Pre-Submission Draft

20 July 2021

The Planning Strategy Team
Stroud District Council
Ebley Mill
Stroud
GL5 4UB

Sent via email to: local.plan@stroud.gov.uk

Dear Sir/Madam,

STROUD DISTRICT PRE-SUBMISSION DRAFT LOCAL PLAN: REPRESENTATIONS ON BEHALF OF THE NUCLEAR DECOMMISSIONING AUTHORITY AND MAGNOX LIMITED

Introduction

We write to you on behalf of the Nuclear Decommissioning Authority ('the NDA') in respect of the *Stroud District Council Pre-Submission Draft Local Plan* consultation.

Avison Young are the appointed property advisors for the NDA and provide planning advice across the NDA's UK-wide estate. We have made representations to various planning policy consultations across the UK affecting multiple NDA assets; including representations to the Stroud District Council *Issues and Options* (December 2017), *Emerging Strategy Paper* (January 2019) and *Draft Local Plan* (January 2020) stages.

These representations are made in respect of the Former Berkeley Nuclear Power Station ('the site/NPS'). The power station element of the Berkeley Site is operated by Magnox Limited (the Site Licence Company) to carry out decommissioning and remediation at licensed site on the NDA's behalf, including waste management and land remediation where appropriate.

The de-licensed part of the Berkeley Site is leased by the NDA to South Gloucestershire and Stroud College ('SGSC'), who have developed a University Technical College ('UTC') and GREEN skills Centre at the site¹. Cavendish Nuclear also occupy office accommodation on this part of the Berkeley Site.

These representations follow conversations held with Officers [REDACTED] and [REDACTED] on 5 July 2021 pertaining to the Berkeley site, and the adjacent proposed Sharpness housing allocation.

Previous Representations

In our most recent representations at *Draft Local Plan* stage, amendments were requested to draft Policy EI2a reflecting that the delicensed site should also be considered acceptable for alternative uses; including employment (B1-B8)/related training and education uses – and at the licensed site: operations and uses associated with decommissioning, waste management and land remediation on the Nuclear Licensed Site to be permitted in line with national strategies, policies and regulatory requirements.

¹ For further information see the college website (<http://www.berkeleygreenutc.org.uk/>)

It was noted that the approach suggested for the licensed site was consistent with development plans adopted elsewhere in the UK. The existing site boundary for Berkeley (as per its allocation within the currently adopted Local Plan) was considered appropriate for allocations applied to the site as part of the Local Plan Review; provided that the divergent nature of the de-licensed site and the licensed site/power station site was also recognised.

Regarding the proposed new settlement at Sharpness, concerns were raised regarding a lack of evidence and assessment of potential impacts arising from the proposed development upon the NDA and Magnox's operational requirements in decommissioning the Berkeley site – particularly remediation activities which may be regarded as a nuisance to sensitive new developments, such as the quantum of housing proposed.

Dialogue has remained open between the promoter of the housing allocation and the NDA/Magnox; with technical assessments received in June 2021 which the promoter had submitted to Stroud District Council in May, comprising of the following:

- Ammonium Nitrate Report (Report on any risk posed by the ammonium nitrate storage at Sharpness docks on the proposed Sharpness Vale Development) March 2021;
- Highways Capacity Assessment (Analysis of the possible effects on the local highway network of the proposed Local Plan allocation for 2,400 homes at Sharpness Vale) September 2020;
- MaaS and Coach Service Appraisal (Mobility-as-a-Service and Express Coach Services Non-car Movement Strategy, Viability & Funding Appraisal) March 2021;
- Sharpness Natural Neighbourhoods (Presentation) March 2021;
- Transport Approach (How we developed the transport philosophy for the new settlement) est. 2021; and
- Transport Technical Appraisal (Analysis of the transport and movement patterns likely to arise from the proposed Sharpness Vale growth point) June 2020.

A further consultation on additional housing site options was also conducted by Stroud District Council in late 2020, however no representations were made as this was considered of limited relevance to the interests of the NDA or Magnox.

Publication Draft Local Plan

The *Publication Draft Local Plan* has been reviewed in the context of the Berkeley site. The NDA and Magnox subsequently wish to make the following comments, which should be read in conjunction with those representations submitted at *Draft Local Plan* stage in January 2020 (enclosed).

Core Policy CP3 – Settlement Hierarchy

It is acknowledged this policy states that a detailed policy framework will steer the type and quantity of development in Berkeley, at the smaller defined settlements and in the countryside. The closure of Berkeley Nuclear Power Station is also noted as having an impact on local employment opportunities, which is acknowledged and welcomed.

Core Policy CP4 – Placemaking / Berkeley Cluster Mini Vision

All development proposals within the cluster of parishes around Berkeley are expected to accord with the Berkeley Cluster Mini Vision. Principles of note include:

“2. The former Berkeley Power station site will continue to be redeveloped as the Gloucestershire Science and Technology Park, to include educational, training and research facilities, together with GREEN employment uses and uses associated with the decommissioning process; and

3. A new garden community at Sharpness will support and complement regeneration initiatives within the Berkeley/Sharpness area, by providing for housing and employment development supported by a range of social and environmental infrastructure including a new secondary school and by improving sustainable transport links for new and existing communities, including re-opening the rail branchline to passenger and tourism services.”

With respect to criterion 2 clearer reference should be made to office, B2 and B8 employment uses as proposed to be permitted under Delivery Policy EI2a.

Strategic Site Allocation Policy PS36 – Sharpness New Settlement

Land south and east of Newtown and Sharpness is allocated for a new garden community comprising employment, residential, retail, community and open space uses and strategic green infrastructure and landscaping. Development will be an exemplar for achieving carbon neutral development by 2030 and will take place in accordance with Garden City Principles; comprising of circa 2,400 dwellings by 2040 and 10ha of B1, B2 and B8 employment land/ancillary uses. A site overview map for the new settlement is also provided; although this does not identify how the housing site will interconnect with the adjacent Berkeley NPS in any detail.

The NDA and Magnox would wish to restate their concerns regarding a lack of information regarding the proposed housing allocation and its’ relationship with decommissioning of the Berkeley site. In particular, the NDA and Magnox remain concerned regarding potential pressure on transport links in the area arising from the proposed housing allocation, both during construction and once complete, which may impact on the need to maintain emergency access to the Berkeley site and may also reduce or restrict movement of large plant or materials from the NDA’s Berkeley site. As such, it is requested that such information be provided.

Limited consideration of the long-term intergenerational requirements and impacts of activities on the NDA Berkeley site over the next 70 to 100 years still appears not to have been taken: which will include remediation activities which may be regarded as a nuisance to sensitive new developments – such as the c.2,400 new homes proposed. The NDA and Magnox therefore remain concerned that the potential for the consented decommissioning activities on the Berkeley site have not been considered in line with the “Agent of Change” principle as set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

The NPPF paragraph 182 (contained in Chapter 15, Conserving and Enhancing the Natural Environment) outlines the principle of the agent of change.

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

This means that planning authorities have to take into account the use of an area before a new development is introduced, and any adverse effects that existing developments may have on the new development. The ‘agent of change’ will then have to take action, sometimes in collaboration with the existing development, to reduce any potential adverse effects that the new development may suffer. These mitigation measures may form part of the conditions of granting planning permission for the new development.

The guidance (Paragraph: 009 Reference ID: 30-009-20190722) states that,

“Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.”

“in these circumstances the applicant (or ‘agent of change’) will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users”.

In doing so, it adds, *“the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made”.*

The risk of conflict between new development and existing businesses or facilities is advised to be addressed by developers providing *“information to prospective purchasers or occupants about mitigation measures that have been put in place, to raise awareness and reduce the risk of post-purchase/occupancy complaints.”*

The guidance (Paragraph: 010 Reference ID: 30-010-20190722) also outlines how planning can address the adverse effects of noise sources, including where the ‘agent of change’ needs to put mitigation in place. Four broad types of mitigation are outlined:

1. Engineering: reducing the noise generated at source and/or containing the noise generated;
2. Layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;

3. Using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
4. Mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

For noise sensitive developments the guidance states that:

- Mitigation measures can include avoiding noisy locations in the first place;
- Designing the development to reduce the impact of noise from adjoining activities or the local environment;
- Incorporating noise barriers; and
- Optimising the sound insulation provided by the building envelope.
- It may also be possible to work with the owners/operators of existing businesses or other activities in the vicinity, to explore whether potential adverse effects could be mitigated at source.

Given the above, the NDA and Magnox require confirmation from the Council that such assessments and considerations have been made in order to assess the potential impacts of the decommissioning of the Berkeley site on the proposed housing allocation at Sharpness.

Delivery Policy EI2a – Former Berkeley Power Station

It is appreciated that delivery Policy EI2a states that the Berkeley site will be retained for office, B2 and B8 employment uses and for employment related training and education purposes and for operations and uses associated with the decommissioning of the nuclear power station. Redevelopment for unrelated alternative uses will not be permitted. The supporting text goes on to note that:

“The former Berkeley Power Station site includes the Nuclear Licensed Site subject to the decommissioning process and also de-licensed office and laboratory accommodation. Proposals for operations and uses associated with decommissioning, waste management and land remediation on the Nuclear Licensed Site, in line with national strategies and policies and regulatory requirements, will be supported.

The de-licensed site, which includes office and laboratory accommodation, is now subject to ongoing re-use and redevelopment as the Gloucestershire Science and Technology Park. The Park will include a range of educational, training and research facilities related to the renewable energy, engineering, digital technologies, advanced manufacturing and nuclear sectors with room for expansion. Proposals for continued office, B2 and B8 uses and ancillary uses, or those associated with the Science and Technology Park (including forms of renewable and low carbon energy generation) will be supported.

The District Council, the County Council and neighbouring South Gloucestershire Council, are supporting a bid being put forward by Western Gateway, for Berkeley and nearby Oldbury power stations to host a prototype fusion power plant and associated facilities as part of the STEP UK programme. If selected, the nomination would create thousands of highly skilled jobs, and create a world leading fusion cluster,

requiring support from our aerospace, marine, digital, cyber, phototonics and construction sectors, significantly boosting our economy. The Government will select the successful site by December 2022.”

It is acknowledged that reference to operations and uses associated with decommissioning is incorporated within the policy wording in accordance with our previous representations; although further clarity within this policy regarding the differences between the de-licensed and licensed elements of the site is still required in line with our previous representations.

In addition, the NDA and Magnox still consider that the Local Plan Review would benefit from contextualising the on-going decommissioning process on the licensed site; in addition to employment uses and employment related training and education uses within the de-licensed site – and the distinction between the two. This would ensure that the Local Plan Review fully accounts for the current operational and future development of the Berkeley site over the Plan period. This approach suggested for the licensed site is consistent with development plans adopted elsewhere in the UK.

Conclusion

In light of the above, the NDA and Magnox would like to reiterate the following points in relation to the *Pre-Submission Draft Local Plan*:

- Further information regarding the relationship between the Berkeley NPS and adjacent Sharpness new settlement is required;
- That the Council respond to confirm how the “Agent of Change” principle has been considered and assessed within the proposed housing allocation at Sharpness; and
- Policy EI2a should incorporate the following distinction:
 - The de-licensed site being acceptable for alternative uses, including employment (B1–B8) and related training and education; and
 - The licenced site being acceptable for operations and uses associated with decommissioning, waste management and land remediation on the NLS in line with national strategies and policies and regulatory requirements.

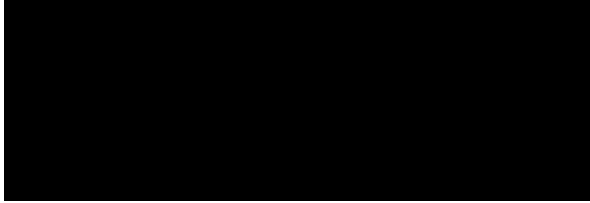
It is again noted that the *Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR 2019)* categorise the Berkeley site (the former power station part of the site) as “Category 4” meaning an Outline Planning Zone (OPZ) extends 1 km from the site, with a Strategic Offsite Plan managed by Gloucestershire County Council.

Given the relative closeness of the proposed Newtown/Sharpness settlement to the Berkeley site, the NDA and Magnox wish to request sight of all consultations with the Gloucestershire County Council Emergency Planning team regarding the proposed allocation.

The NDA and Magnox also wish to continue work with Stroud District Council on the finalised policy wording for the Berkeley site and look forward to continuing to engage with Officers.



Yours sincerely



 **MRTPI**
Director



Enc.