South Gloucestershire Core Strategy Examination

STATEMENT OF COMMON GROUND 26

BETWEEN

SOUTH GLOUCESTERSHIRE COUNCIL

AND

HORIZON NUCLEAR POWER OLDBURY LTD

In respect of Chapter 18
09 July 2012
Declaration

The contents of this paper are agreed for the purposes of South Gloucestershire Core Strategy.

Signed on behalf of Horizon Nuclear Power Oldbury Ltd

Position: Head of Commercial Strategy

Date: 9/7/12

Signed on behalf of the South Gloucestershire Council

Position: Strategic Projects Manager (nuclear)

Date: 09 July 2012
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Statement of Common Ground between South Gloucestershire Council and Horizon Nuclear Power Oldbury Limited

1. Overview

1.1 The parties to this Statement have reached agreement on a significant number of matters, however differences remain.

1.2 The principal points of agreement are summarised below at Section 3 followed by a summary of the main areas of disagreement at Section 4.

1.3 Appendix 1 sets out the Council's current proposed version of Chapter 18. This should be read alongside Appendix 2 which identifies changes agreed between the parties. The full list of main and additional matters of disagreement with Horizon Nuclear Power Oldbury Limited (Horizon) is included in the schedule at Appendix 3. A copy of the proposed amendment to the Policies Map is attached at Appendix 4.

2. Background

2.1 The parties have been working together over the last two years on pre-application matters relating to the proposed construction of a new nuclear power station near to Oldbury-on-Severn. This has included discussions on survey requirements, the potential form of a marine offloading facility, consultations and community engagement, as well as progressing a Planning Performance Agreement to the point that it is largely agreed between the parties, and is being implemented in Shadow form.

2.2 Horizon made representations on the Core Strategy on 17 February 2012, seeking a wide range of clarifications and amendments to the wording of Chapter 18 insofar as it relates to its proposal to bring forward a new nuclear power station on the National Policy Statement nominated site near Oldbury.

2.3 Negotiations between the parties have therefore been ongoing over recent months, with a series of meetings and written exchanges proposing amendments to Chapter 18 and/or explaining the reasoning behind the policies.

2.4 Notwithstanding Horizon's view that it would not have approached the structure of the MIP policies in the manner now drafted, good progress has been made in agreeing revisions. There remain, however, two main issues where Horizon considers that the plan may be unsound. Other additional changes are also proposed by Horizon, although it is agreed that these do not affect the soundness of the plan.
3. Matters of agreement

3.1 Insofar as the overall structure and content of Chapter 18 is concerned a number of changes have been agreed in order to clarify the scope and purpose of the two policies. This has included amendment to the policies and amending or reordering of the supporting text. Each policy is now prefaced by introductory wording and followed by explanatory text. As a consequence, a clearer distinction has also now been drawn between Policy CS36 which is intended to address the Council’s position in respect of all MIPS and associated and ancillary development, and CS37 which is confined to MIPS or any developments which are nuclear related.

3.2 Chapter 18 has been amended by agreement between the parties in a number of key respects including:
   - Updating of all references to the decision making processes for NSIPs in line with recent changes
   - Clarifying that policy will be applied ‘within the provisions of national policy’ and ‘taking into consideration the nature, scale, extent and potential impact of any development proposals coming forward’ and ‘where relevant or appropriate’.
   - Stating that contributions may be made to the Local Authority ‘or other appropriate and agreed organisation’
   - Reworking that recognises the various roles of the Council (as consultee (e.g. for NSIPs) or as determining authority) references to the ‘requirement’ for compliance with policy has been replaced with ‘seeking compliance’, and also replacing ‘must’ with ‘should’.
   - Deleting text referring to the Council’s inability to agree with the nomination of the NNB site at Oldbury
   - Removing verbatim duplication between policies CS36 and CS37.

3.3 The parties have agreed that no change to Chapter 18 is necessary in light of the recent announcement made by Horizon’s shareholders RWE npower and E.ON UK that they are unable to continue to support the two projects being promoted at Wylfa (on the Isle of Anglesey) and near Oldbury-on-Severn. The reasons for this are set out in both Parties’ respective Position Statements on Matter 24 (Issue 3).

3.4 A full schedule of the agreed changes to Chapter 18 is set out at Appendix 2.

4. Matters of disagreement

4.1 There are two main matters of disagreement that Horizon consider question the soundness of the plan.

4.2 These are as follows:

   a. Horizon do not agree to the inclusion of the reference to the Council seeking to ensure implementation of, inter alia, “other existing
and emerging local plans and supporting documents” in the opening paragraph of Policy CS36 or the inclusion of the reference to ensuring compliance with “Any future development plan documents and Council or locally produced village/town/community strategies and plans” in Criterion 1 to Policy CS37.

The Council considers that policies CS36 and CS37 are consistent with relevant national policy, which refers to both adopted and emerging plans and the weight that should be given to these (including paragraphs 185 and 216 of the NPPF). The Council does not consider it necessary to repeat this national policy in the Core Strategy.

b. Horizon also disagrees with the inclusion of criteria relating to community benefits packages in both policies CS36 (criterion 5) and CS37 (Criterion 13).

4.3 These two matters are addressed in the two parties’ respective Position Statements on Matter 24. However, the parties have not been able to reach agreement on the inclusion of further wording relating to the Council’s position on Horizon’s main matters of disagreement. The Council are therefore submitting an Addendum to PSM24 for the Inspector’s consideration.

Additional matters

4.4 Horizon remain of the view that Chapter 18 does not fully reflect the importance that the UK Government attaches to the vital role nuclear power will play in providing reliable energy supplies and the contribution it can make to achieving a secure and diverse energy mix as the UK makes the necessary transition to a low carbon economy. The Council are of the view that this matter is addressed in national policy and in particular the National Policy Statements on Energy and it is not necessary to repeat this in Chapter 18. The Council consider it sufficient that Chapter 18 makes reference to national policy and that policies CS36 and CS37 state that the Council will, as consultee or determining authority, apply policy ‘within the provisions of national policy’.

4.5 Moreover, whilst the Council considers that Chapter 18 and the policies are clear and capable of effective application, Horizon considers that Policies CS36 and CS37 could have been drafted in a more effective manner, and that streamlining and re-wording of this section could substantially increase clarity. This is particularly significant in the light of the importance Government clearly attaches to this matter.

4.6 Horizon has a number of specific concerns and / or additional proposed modifications that they wish to put before the Inspector for his consideration. These are set out along with the Council’s position in the schedule at Appendix 3. Since these issues do not individually affect the soundness of the Plan they were not explored any further in the Pre-Hearing Statement.
Please note that paragraphs require renumbering.

18. Major Infrastructure Projects

Introduction

18.1 Major Infrastructure Projects are large-scale projects of national importance such as new trunk roads, airports, ports, power stations (including nuclear), electricity transmission lines, waste water treatment works and chemical works.

18.1a For the purpose of the Core Strategy, Major Infrastructure Projects (MIPs) include those defined as Nationally Significant Infrastructure Projects (NSIP) in the Planning Act 2008. Where associated or ancillary development is related to the construction or operation of a NSIP, these proposals will also fall under the policies set out in this chapter, as well as other relevant policies in the plan.

18.1b This chapter of the Core Strategy deals with both Major Infrastructure Projects (MIPs) where South Gloucestershire Council is the determining planning authority, and NSIPs (such as the proposed Oldbury Nuclear New Build power station (NNB)), where the Secretary of State makes the decision) as well as other applications to other agencies (such as to the Marine Management Organisation for a wharf) where the Council is a statutory consultee.

18.1c Whether in its role as decision maker, or as consultee for applications to other bodies the Council will seek to secure delivery on its key priorities as set out in the Sustainable Community Strategy (see Chapter 3 of the Core Strategy), and including ‘delivering well designed and sustainable development that integrates with and benefits existing communities’.

18.1d Policy CS36 is an overarching policy relating to all Major Infrastructure Projects whether determined by the Secretary of State, this Council or any other agency. Policy CS37 applies to nuclear related development, including that associated with the proposed new power station, decommissioning of the existing or other proposals relating to nuclear waste.

POLICY CS36 - PROPOSALS FOR MAJOR INFRASTRUCTURE PROJECTS

Deleted: C36
Deleted: C37
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, taking into consideration the nature, scale, extent and potential impact of any development proposals coming forward, seek to ensure that development makes a positive contribution to the implementation of its vision, strategic objectives and strategy for development as set out in Chapter 4 and where appropriate other existing and emerging local plans and supporting documents.

The Council will therefore seek compliance, as appropriate or relevant, with the following:

1. The development and its associated / ancillary infrastructure, including any proposals for accommodation, education and training, employment, supply chain, transport, community, environmental and green infrastructure contribute to an overall balance of positive outcomes for local communities and the environment; and

2. Provision of an assessment of how the consideration of alternatives has informed the proposals; and

3. Provision of a comprehensive assessment of environmental, social, transport and economic impacts (positive, negative and cumulative) of the proposal during the construction, operation and where necessary, the decommissioning and restoration stages, and the delivery of measures where appropriate to avoid, minimise, mitigate and/or compensate for harm caused; and

4. Provision of contributions to the Local Authority or other appropriate and agreed organisation to offset any adverse impacts and harm caused by the project through effective engagement with local communities and the Council at the pre-application stage. The objective will be to identify measures, projects and services to enhance the long term well-being and sustainability of the communities affected; and

5. In recognition of any burden and disturbance borne by the community in hosting a major national or regional infrastructure project, the Council may require appropriate packages of community benefits to be provided by the developer to offset and compensate the community for the burden imposed by hosting the project; and

6. Local economic and community benefits are where feasible maximised, through agreement of strategies for procurement, employment, education, training and recruitment with the Council at an early stage of project development; and

7. Meeting the requirements of the legislative provisions of the Habitats Regulations 2010; and

8. The provision of flood protection measures to manage flood risk
and, where feasible, deliver improvements in the locality. The provision of an assessment of anticipated impacts of the proposal on the surrounding marine and terrestrial environment and delivery of measures to manage and minimise any harm caused.

In order to have sufficient information to be able to assess the effects of the proposals, the Council may request the preparation of management or delivery plans identifying the measures to be taken to maximise benefits and to mitigate and/or compensate for impacts where this is justified by national or local policy. These plans should identify the timetables for delivery and the systems and resources that will be used to implement the proposed measures.

Planning for Major Infrastructure Projects

18.2 Applications for Development Consent Orders (DCO) for NSIPs are examined by the Planning Inspectorate (PINs) with the final decision to grant or refuse permission being made by Secretary of State.

18.2a Local authorities or other statutory bodies would be the decision maker for any elements of associated or related development not included within the main DCO application, and national policy will be a material consideration as appropriate.

18.3 Not used

18.4 PINs will examine applications for new nationally significant infrastructure development, using the criteria on national need, benefits and impacts as set out in relevant policy. For energy infrastructure this will include the relevant National Policy Statements for Energy Infrastructure (EN-1-6), and, in accordance with the NPS, PINs may also consider other matters that are important and relevant to its decisions, including the Local Development Framework and Local Transport Plan. The local authority role is largely discretionary under the Act, however they will be invited to assess the adequacy of consultation and local impacts and report on these to PINs in a Local Impact Report. Similarly applications may be made to other organisations such as for a jetty the Marine Management Organisation, where the Local Authority is also a statutory consultee.

18.5 not used

18.5a There are currently three proposed Nationally Significant Infrastructure Projects at the pre-application stage which are either located within South Gloucestershire or are likely to affect South Gloucestershire within the Core Strategy period:

- A new nuclear power station near to Oldbury-on-Severn proposed by Horizon Nuclear Power, as identified in the National Policy Statement for Nuclear Power Generation (EN-6);

- National Grid Transmission Lines connecting Hinkley in Somerset with the Seabank Power Station at Avonmouth proposed by National Grid;

Other NSIPs/MIPs may come forward during the lifetime of the Core Strategy, including improvements to National Grid transmission lines connecting with the proposed new nuclear power station at Oldbury-on-Severn.

18.6 *not used*

18.7 *not used*

18.8 The cumulative impacts of hosting one or more national facilities in the area are of substantial importance and the impact on existing and future generations is likely to be significant.

18.9 If the Council is to effectively respond and successfully engage with developers on behalf of our communities in respect of MIP proposals, this is likely to require significant resources beyond the capacity of the Council.

18.10 In order to address this, South Gloucestershire Council will encourage developers to enter into Planning Performance Agreements and Service Level Agreements, appropriate to each project. These will define the working relationships, roles and responsibilities of each of the parties to the agreement, and agree how this will be resourced. Should pre-application advice be required in advance of agreement of a PPA, the Council’s approved pre-application charges may apply.

18.11 It is important that the Local Development Framework sets out a policy framework to enable the Council to assess and respond to MIP proposals coming forward, including for example:

- providing advice to inform project promoters during the development of their proposals for consultation and project development;
- responding to formal consultations during project development and on applications to other determining bodies such as PINs and the Marine Management Organisation (MMO);
- suggesting appropriate requirements for inclusion in the DCO and obligations (such as S106 and CIL);
- determining applications for associated, ancillary or related development outside the Development Consent Order; and
- assessing the adequacy of consultation, and
- assessing the impacts of the project both positive and negative in the Local Impact Report that PINs will invite this Council to submit after the application for any DCO is submitted, and
- making representations as part of the formal examination of the DCO by PINs, and
- in determining any approvals subsequent to consent (including planning ‘conditions’), and in discharging functions as the enforcing authority.
In addition to the Core Strategy, other development plan documents (DPDs) and neighbourhood plans (NDPs), may also provide relevant policy framework considerations. In addition, documents such as the Local Transport Plan, the Sustainable Community Strategy, the Economic Development Strategy and other relevant documents, may also be material considerations.

Consultation on Major Infrastructure Projects

The 2008 Planning Act introduced a new duty on promoters to ensure that proposals for Major Infrastructure Projects are properly prepared and consulted on before they submit an application for development consent.

As part of this pre-application process, the potential applicant must consult the relevant local authority about their proposals and have regard to any views they express.

In addition to this, in order to ensure that the development proposals take full account of local community views and the impact of any development in the area, the potential applicant must prepare and publicise a ‘Statement of Community Consultation’. In preparing this, they must consult with and have regard to the views of any relevant local authority on the content of the statement.

Under the process, early engagement with communities is encouraged and opportunities are available for individuals and groups to have their views considered, including:

1. During project development to give members of the public the opportunity to influence project development and provide feedback on options
2. When applications are being prepared for submission to PINs – at this stage developers are required to consult with local communities about their proposals and have regard to views expressed;
3. During PINs’ examination of applications – when individuals and groups who have registered their interest can submit evidence in writing;
4. Taking part in the open floor hearings chaired by PINs during their examinations of proposals.

This process is intended to provide better and clearer opportunities for the public and local communities to get involved from an early stage in decisions that affect them and their area.

Applications submitted to the local planning authority for any elements of associated or related development not included within the main Development Consent Order (DCO) application, would be subject to the normal planning application consultation procedures.

The view of the Council is that appropriate community benefits should be provided for such Major Infrastructure Projects, as set out in this chapter. Any community benefits should also be subject to public consultation.
Mitigation and Compensation

18.16i Developments such as NSIPs and their associated infrastructure are of a scale that will be likely to have considerable impacts and opportunities. In addition, the Council would want to understand better the inter-relationships and cumulative impacts of projects such as a new Nuclear Power Station at Oldbury with other major projects in the area such as the proposed new nuclear station at Hinkley, a potential extension to Seabank adjacent to the South Gloucestershire boundary, a potential new gas fired power station at Severnside, the new container terminal at Avonmouth and an expanding Bristol Port.

18.16ii The scale and impact of MIPs may require an appropriate and comprehensive package of developer contributions to mitigate and compensate for any new and increased levels of impact and harm. These contributions will be negotiated as part of the planning process, including through section 106 agreements and the Community Infrastructure Levy when implemented.

18.16iii In addition the Council may require packages of community benefits to be provided by the developer to offset and compensate the community for the burden imposed by hosting the project. Any such fund will be used to offset the burden on the locality, and would identify potential legacy uses, including transport, social, economic and community infrastructure which would benefit the community in the long term.

18.16iv Policies CS36 and CS37 set out how the Council intends to work with applicants, local communities and statutory consultees to agree a strategy for minimising negative impacts of the proposals and maximising the benefits, in line with the Council’s vision and priorities, as set out in its Community Strategy, Council Plan, Local Transport Plans and policies and this Core Strategy and other DPD and NDPs.

Delivery

18.16a Where appropriate, SPDs may be brought forward to set out a more detailed policy framework for Major Infrastructure Projects. Where applications for NSIP’s are submitted to PINs* the Council will seek to ensure delivery of Policies CS36 and CS37 through negotiations with the developer, the preparation of a Local Impact Report and submissions to any Examination in public. A recommendation will then be made by PINs to the Secretary of State who will consider and determine the application for development consent. Where applications for associated and/or ancillary development are submitted to this Council, this will be delivered through the development management process. Where applications are made to any other body this Council will seek delivery of Policies CS36 and CS37 in its role as consultee.

18.16b Monitoring of the delivery of the project will be required to assess its effects as it is implemented, and to assess the extent to which they avoid, minimise, mitigate and/or compensate for negative impacts and align with the objectives, plans and strategies of the Council. This will include the monitoring of obligations to demonstrate that funding has been spent on the mitigation and compensation measures agreed with the MIP promoter.
The Council may request delivery plans where appropriate to ensure action results in tangible and timely impact mitigation, investment and improvement for local places and communities as part of any related conditions, requirements and/or obligations.

*Under the Localism Act 2011 PINs has replaced the Infrastructure Planning Commission and decisions on applications for development consent will be determined by the Secretary of State.*

**Nuclear related development in the Oldbury on Severn area**

**Planning Context**

18.16d Over the plan period, development proposals are expected to come forward in respect of the decommissioning of the existing nuclear power station at Oldbury and the proposed new nuclear power station on land adjacent to the existing station.

18.16e It is also possible that proposals may come forward in relation to nuclear waste arising either from the existing station or from elsewhere. (see paragraphs 18.23c–f)

18.17 In its National Policy Statement for Nuclear Power Generation (NPS) (EN-6), the government has included a site near to Oldbury-on-Severn as potentially suitable for a new nuclear power station by 2025. However it acknowledges that nomination does not prevent the SoS determining that the adverse impacts are greater than the benefits and that consent on a site could be refused

18.17a Whilst acknowledging that the proposed new build nuclear project has the potential to bring benefits to the community, the Council considers that there are currently a number of fundamental issues relating specifically to Oldbury that are unresolved, and these are set out in policies CS36 and CS37.

18.17b If a proposal for Oldbury is brought forward, it will be the subject of a DCO application considered by PINs. Any associated or related development not included within this DCO application or within any application for consent to another statutory body will be considered by South Gloucestershire Council through the normal planning application procedure.

18.18 The Council in its role as a statutory consultee and/or determining authority will evaluate the adequacy of consultation undertaken by the developer as well as the impacts of any emerging proposals from the developer and make the case for appropriate planning mitigation, compensation and legitimate community benefit.

18.18a The planning, construction and implementation of this project will be likely to have a major impact and legacy on the district and its communities for many decades. Paragraphs 18.16i to 18.16iv sets out the Council’s approach.
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 existing and future development plan documents and Council or locally produced village/town/community strategies and 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

6. 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. 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

7. 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

8. 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

9. 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

10. Proposals should include appropriate measures for promoting social cohesion and community safety; and

11. not used

12. not used

13. 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 provided by the developer to offset and compensate the community for the burden and disturbance imposed by hosting the project.

14. 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 offset any additional impacts or burdens borne by the community affected. The developer should build in review mechanisms to monitor the full
Proposed Nuclear New Build at Oldbury

18.19 The nominated site area is located on the eastern bank of the Severn Estuary, with tidal mudflats and the power station lagoon to the west, and the historic, flat and open pastoral landscape of the Severn Levels to the east. It adjoins the north eastern boundary of the existing nuclear power station at Oldbury and covers an area of 150 hectares. The project promoter Horizon Nuclear Power plans to deliver a total of around 6,000 MW of capacity across its two sites at Wylfa on Anglesey and near Oldbury-on-Severn in South Gloucestershire. Whilst Wylfa has been selected as the lead site, work to support future Development Consent and Site Licence applications is being progressed with the aim of achieving first generation of low carbon electricity at Oldbury by 2025.

18.20 If granted development consent by the Secretary of State, a new power station could comprise nuclear reactors, cooling infrastructure, interim waste storage facilities and other buildings and facilities necessary for a nuclear power station. Associated development is likely to include both permanent and temporary works including modifications to the electricity transmission infrastructure, access roads and/or highway improvements, implementation of a flood defence strategy for the site and the surrounding area, a marine offloading facility and other facilities for the delivery of construction materials and abnormal loads, as well as park and ride and accommodation and other facilities for construction workers.

18.20a Initial estimates from the scheme promoter, Horizon Nuclear Power, indicate that the proposals could represent an investment of around £8bn, creating around 800 direct permanent jobs. When completed, the power station would generate up to 3,300MW of low carbon energy.

18.21 Approximately 5,000 workers are expected on site at the peak of construction. It is proposed to construct either two or three reactors at the site, depending on the final choice of technology through a staggered construction programme expected to last 6 years, the length of which is dependent on which reactor design is chosen for the site.

18.22 A Shadow Planning Performance Agreement has been agreed between the Council and Horizon Nuclear Power at Oldbury. While the PPA does not bind either party to any future decisions or recommendations it does set out the arrangements to which the parties are working, ensures a project managed
and efficient approach to the work required and fosters mutual trust, while at the same time ensuring the independence and impartiality of both parties as well as transparency of process. The agreed PPA Vision sets out what the project should achieve, including:

- A contribution to the national need for secure low carbon electricity and replacement of decommissioning nuclear capacity in accordance with applicable and current Government Policy;
- Completion of the Development Proposal and the supply of electricity by 2025, so far as reasonably possible;
- a proper assessment and scrutiny of the environmental, social and economic impacts (both positive and negative);
- a contribution of socio-economic benefits to the local community, both during construction and in operation;
- a positive contribution to sustainability and design quality, as well as an acceptable minimisation of environmental impact;
- compliance with operational, safety and security requirements;
- delivery of appropriate mitigation, compensation and community benefits; and
- alignment where appropriate with the local communities aspirations for the social, economic, transport and environmental future of their area as set out in spatial planning and other relevant policies applicable to the Development Site.

18.23 Whilst acknowledging that the proposed nuclear new build project has the potential to bring benefits to the community, the consequences are not yet fully understood. However it is considered likely that this project will also have wide-ranging social, environmental and economic impacts affecting for example the image of the area, the agricultural sector, communities, the property market, the tourism industry and on inward investment and economic growth.

18.23a The ability to negotiate community benefit packages, as distinct from normal S106 and other requirements, is therefore an absolute prerequisite for South Gloucestershire Council if the local area is to host a national infrastructure facility with all its associated impacts for a period of up to 160 years. As a result of the burden and disturbance borne by the community in hosting such a project it is essential that the Council on behalf of its residents achieves an appropriate level of community gain.
The Existing Power Station at Oldbury

18.23b Generation of electricity at the existing nuclear power station at Oldbury ceased on 29 February 2012. The Council considers in order to minimize impact on the locality, it will be important where possible and practical to reuse of the existing power station facilities and/or land, to ensure the integration of the nuclear new build (NNB) with the existing station as far as is possible. This may require a reconsideration of the proposed intermediate and/ end states for the existing power station site.

Proposals and programmes or works associated with the decommissioning of the existing station will be assessed against the policies in this plan.

Nuclear Waste

18.23c The interim storage of radioactive waste and spent fuel on the site forms an integral part of any nuclear power station and associated facilities to provide long term temporary storage for such materials on a new build site would be expected to form part of any DCO application.

18.23d While currently it is planned that each power station site will have its own store for Intermediate Level Waste and this is clear in the NPS, it is possible that in the future shared storage may be considered.

18.23e In addition it is possible that proposals for the treatment, storage or disposal of Low Level or Very Low Level waste either arising from Oldbury or other nuclear sites could be proposed at other waste disposal sites in South Gloucestershire.

18.23f The Council considers that such proposals would need to be very carefully assessed and would need to clearly demonstrate that the benefits of any such proposal outweigh the impacts.

Mitigation and Compensation

18.24 not used

18.25 The scale and impact of the proposed Oldbury NNB project will require an appropriate and comprehensive package of developer contributions to mitigate and compensate for any new and increased levels of impact and harm associated with this major project. These contributions will be negotiated as part of the planning process, including through section 106 agreements and the Community Infrastructure Levy when implemented.

18.26 In addition the Council will require appropriate packages of community benefits to be provided by the developer to offset and compensate the community for the burden imposed by hosting the project. This fund will be used to off-set the burden on the locality, and will identify potential legacy uses, including transportation infrastructure – such as park and ride facilities, as well as other environmental improvements and social, economic and community infrastructure which would benefit the community in the long term.

18.27 not used
Delivery

18.27a See paragraphs 18.16a – 18.16c.

Severn Tidal Power

18.28 The Severn Estuary is one of the UK’s largest estuaries with potential tidal energy resource of between 4.4%-5% of all UK energy.

18.29 The government has recently concluded that it does not at present see a strategic case to bring forward a tidal energy scheme in the Severn Estuary. The Severn Tidal Power feasibility study showed that a tidal power scheme in the Estuary could cost in excess of £30bn, making it high cost and high risk in comparison to other ways of generating electricity. The government considers therefore that it would be very costly to deliver and very challenging to attract the necessary investment from the private sector alone.

18.30 The report did however recommend that a Severn tidal project should not be ruled out as a longer term option if market conditions change, recognising the significant UK resource that the Severn Estuary presents, and its potential for making an important contribution to the UK’s renewable energy targets and wider climate change and energy goals in the future.

18.31 South Gloucestershire Council supports the government’s conclusions and considers that the significant environmental impacts on the conservation objectives and integrity of the Severn Estuary European (Natura 2000 and Ramsar) site, its marine environment and natural habitats, as well as the landscape and visual impacts, outweighs at this point any advantages in terms of renewable energy generation based on tidal power technology currently available. It is recognised that future schemes will need to be considered with regard to their energy generation potential in relation to their environmental impact.
### Structural Changes

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<tr>
<th>Post-submission December 2011 Chapter 18 reference</th>
<th>Proposed reworded Chapter 18 May 2012 Chapter Reference</th>
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<tbody>
<tr>
<td>a. Changes to the structure of the chapter have been made, so that each policy is prefaced by introductory wording, and is followed by the explanatory text.</td>
<td>various</td>
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<tr>
<td>b. Criteria and supporting text have been moved to ensure that all matters relating to MIPs are included along with policy CS36, and text relating to nuclear development sits alongside policy CS37.</td>
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### Other Changes

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<tr>
<th>Post-submission December 2011 Chapter reference</th>
<th>May 2012 Chapter Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Inclusion of text to confirm what NNB stands for.</td>
<td>18.1b</td>
</tr>
<tr>
<td>b. Introduction of cross-reference to Chapter 3 of the CS as the source for Council’s ‘key priorities’.</td>
<td>18.1c</td>
</tr>
<tr>
<td>c. Addition of wording to policy CS36 to state that policy will be applied ‘taking into consideration the nature, scale, extent and potential impact of any development proposals coming forward.’</td>
<td>Opening paragraph CS36</td>
</tr>
<tr>
<td>d. Deletion of reference to conformity and delivery on the wider plans and aspirations of the Core Strategy in CS36(1), and amendment of opening paragraph to include reference to national policy and the Council seeking to ‘...ensure that development makes a positive contribution to the implementation of its vision, strategic objectives and strategy for development as set out in Chapter 4...’</td>
<td>CS36(1) CS36 opening paragraph</td>
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<tr>
<td>e. Inclusion of the word ‘minimise’ in respect of impacts</td>
<td>CS37(7)</td>
</tr>
<tr>
<td>f. Removal of verbatim repetition between policies, to ensure that CS36 includes policies that apply to all MIPs, while CS37 covers those criteria that are specific to nuclear related development.</td>
<td>CS37(11) CS37(12) n/a</td>
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<tr>
<td>g</td>
<td>Addition of wording to state that contributions may be made to the Local Authority ‘or other appropriate and agreed organisation’.</td>
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<tr>
<td>h</td>
<td>Clarification that nuclear waste proposals for NNB will form part of a DCO application, and separation of explanatory text relating to other potential sources of nuclear waste.</td>
</tr>
<tr>
<td>i</td>
<td>Deletion of wording that the policy does not prejudice the Council’s position in respect of any proposed development, or its ability to review proposals, since this is covered in Chapter 1 of the CS and in the Planning Act 2004.</td>
</tr>
<tr>
<td>j</td>
<td>Inclusion of reference to the National Policy Statement for Nuclear Generation EN-6.</td>
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<tr>
<td>k</td>
<td>Deletion of text stating that the Council is unable to agree with the nomination of the NNB site at Oldbury due to lack of information on impacts, subject to retention of a reference to the NPS statement that a DCO may be refused if adverse impacts outweigh benefits.</td>
</tr>
<tr>
<td>l</td>
<td>Addition of the NNB site and the existing nuclear licensed site to the Policies map, and inclusion of a diagram to show the HSE/ONR ‘nuclear safeguarding zones’\ that exist around the existing Oldbury and Berkeley nuclear facilities.</td>
</tr>
<tr>
<td>m</td>
<td>The addition of two additional bullets so that Chapter 18 now includes the wording of the entire Vision as set out in the Shadow Planning Performance Agreement.</td>
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<td>Updating all references affected by the changed decision making process for Nationally Significant Infrastructure Projects, including e.g. changing IPC to PINs and Secretary of State as appropriate.</td>
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<td>n</td>
<td>Various</td>
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<td>o</td>
<td>Wording added to state that that criteria in policies CS36 and CS37 that the Council will seek compliance ‘where appropriate or relevant’</td>
</tr>
<tr>
<td>p</td>
<td>Wording of CS36 opening paragraph to include reference to the ‘vision, strategic objectives and strategy for development as set out in Chapter 4’</td>
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<tr>
<td>q</td>
<td>In recognition of the various roles of the Council (consultee or determining authority) removing the ‘requirement’ for compliance with policy and replacing this with ‘seeking compliance’, and amendment of criteria to replace ‘must’ with ‘should’.</td>
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<tr>
<td>r</td>
<td>Detailed changes to opening wording of criteria to improve clarity</td>
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<td>s</td>
<td>The last point in CS36 to become a paragraph rather than a numbered criterion</td>
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<tr>
<td>t</td>
<td>Wording of criterion amended to recognise that it may not be possible to ‘prevent’ all transport impact, but should rather be minimised to an acceptable level</td>
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<tr>
<td>u</td>
<td>Replacement of the words ‘where possible’ with ‘where feasible’ in recognition that viability is a consideration.</td>
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<tr>
<td>v</td>
<td>Revision to state that impact ‘is likely’ to be significant (instead of ‘will be’),</td>
</tr>
<tr>
<td>w</td>
<td>Inclusion of text to state that where a PPA is not in place at the pre-application stage the Council’s standard pre-application charges may apply</td>
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<tr>
<td>x</td>
<td>Replacement of reference to ‘related development’ with ‘ancillary development’</td>
</tr>
<tr>
<td>y</td>
<td>Amendment to state that monitoring would assess the extent to which project delivery avoids, minimises, mitigates and ‘for’ compensates for impact</td>
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<tr>
<td></td>
<td>Post-submission December 2011 Chapter reference</td>
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<td>-----------------------------------------------</td>
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<tr>
<td>z</td>
<td>Separating the statement regarding NNB from the reference to nuclear waste from other sources.</td>
</tr>
<tr>
<td>aa</td>
<td>Cross referencing to other sections of the plan to aid clarity</td>
</tr>
<tr>
<td>bb</td>
<td>Rewording to acknowledge that radioactive waste from NNB is dealt with via a DCO.</td>
</tr>
<tr>
<td>cc</td>
<td>Amendment to read ‘..positive contribution to the implementation of its vision, strategic objectives and strategy for development…’ to ensure consistency with the wording of Chapter 4 of the Core Strategy.</td>
</tr>
</tbody>
</table>
Schedule of matters of disagreement

M = Main modification relating to the soundness of the Core Strategy
A = Additional proposed modification

<table>
<thead>
<tr>
<th>Horizon Nuclear Power Oldbury Limited (Horizon)’s Representations</th>
<th>Council Response</th>
<th>Main/ Additional modification proposed by Horizon</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>Chapter ref.</td>
<td>Comment</td>
</tr>
<tr>
<td>a</td>
<td>18.1b</td>
<td>There is no need to single out Oldbury NNB as an example. It is included in the list of the three NSIPs at pre-application stage at paragraph 18.5a.</td>
</tr>
</tbody>
</table>
| b  | 18.1d | Paragraph 18.1d does not make clear that CS36 would apply to minor non-DCO ‘ancillary developments’.

   Horizon considers that the requirements of policy CS36 would be disproportionate to some potentially quite minor ancillary developments. Horizon therefore propose that the supporting text should also contain a clear statement that the policy will be applied appropriately and proportionately to the nature, scale, extent and potential impact of any development proposal coming forward, having regard to the small scale nature of some of the possible non-DCO associated developments. | A |
| c  | CS36 | Paragraphs 18.1 – 1d explains the purpose of the chapter and application of the policies.

   The Council considers that this concern is addressed by the modifications to the opening paragraph of policy CS36 to explain that policies will be applied ‘as appropriate or relevant’, and taking into consideration ‘the nature, scale, extent and potential impact of any development proposals coming forward’. Policy CS37 also states that the policy will be applied ‘where appropriate or relevant’. This will include consideration of the nature, scale, extent and potential impact of any proposals.

   Given the inclusion of a clear statement relating to the ‘...nature, scale, extent and potential impact of any development proposal coming forward...’ in the opening paragraph of the overarching MIP policy CS36 (Chapter 18 paragraph 18.1d explains), the Council does not consider that an additional statement in the supporting text is necessary. | A |
| d  | CS36 & C37 | Horizon does not agree to inserting reference to “other existing and emerging local plans and supporting documents.”, or to the Council seeking to ensure compliance with any “Council or locally produced village/town/community strategies and plans”.

   The importance of local strategies and plans is acknowledged but these should be adopted (i.e. the subject of examination, consistent with national policy and approved through referendum). Emerging (i.e. un-adopted) local policy constitutes another material consideration.

   (See Horizon Pre-Hearing Statement) | M |
The policy does not appear to recognise any national benefit of a NSIP that should be weighed in the balance.

Horizon question how the Council will judge whether an individual proposal will “contribute to an overall balance of positive outcomes for local communities” unless the contribution from all proposals is apparent. Horizon is not clear whether, in practice, this would require that every single proposal should have a positive outcome for local communities and the environment. For example, would the contractor’s compound have passed this test?

Horizon also query whether this is intended to justify the package of community benefits?

The NPS deals with national need and benefit re NSIP’s. The Core Strategy policies CS36 and CS37 have been modified to acknowledge the National policy context and sets out local policy for application as appropriate. Paragraphs 18.2 – 18.4 provide further explanation.

The opening sentences of the policy has been reworded to explain that ‘taking into consideration the nature, scale, extent and potential impact of any development proposals coming forward…’. In addition the second sentence makes clear that the compliance with the criteria will be sought (not ‘required’) ‘where appropriate or relevant’.

The policy wording seeks to ensure that proposals whether individually or cumulatively contribute to an overall balance of positive outcomes. The cumulative impact of the various related elements of a development, and in combination with other developments would be considered at the appropriate stage.

The Council is of the view that even for relatively modest individual development proposals there can be opportunities for positive outcomes. For example, in creating anew access to a small construction compound it may be feasible for this to be located or designed in a way that also addresses an
existing local safety concern. Therefore it may or may not be relevant for a small contractors' compound to have an overall positive outcome.

The issues set out in the policy cover a range of issues, some of which may be dealt with via the planning and design of the development, or by S106 and/or CIL contributions. The proposed revised wording of CS36 states that Council will take 'into consideration the nature, scale, extent and potential impact of any development proposals coming forward' and will seek compliance with the criteria 'as appropriate or relevant'.

The Council considers it clear therefore that the policy will be applied as appropriate to the nature of the proposal coming forward.

| f | CS36 (4) | Horizon consider the separation of these two criteria to be potentially confusing i.e. that the contributions required to offset any adverse impacts at Criterion 4 are different/in addition to the measures to mitigate and/or compensate for harm referred to in criterion 3. Suggest combining criterion (4) with (3) | The Council consider that the separation of criteria aids clarity, and separated contributions that relate to statutory provisions from those relating to community benefits. |
| g | CS36 (5) | The clear implication of new paragraph 18.16iii is that the benefits sought under criterion 5 are not:

(a) necessary to make the development acceptable in planning terms
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development

Horizon's objection to this is not diminished by the substitution of “will require” with “may require” as there is no indication of the circumstances in which the Council “may require”.

This “requirement” is contrary to Section 204 of the NPPF and as such the plan is unsound (See Horizon's Pre-Hearing Statement). | The policy criteria make a clear distinction between:
Criterion 4 relate to contributions including S106 and CIL.
Criterion 5 relates to community benefits packages to offset any burden on communities as a result of hosting a national infrastructure project, that may be addition to S106 and CIL.
In recognition of the varying nature and scale of MIP proposals that may come forward for consideration under CS36, the wording of CS36(5) has been amended to refer to 'any' burden and disturbance borne by the community 'may' require appropriate packages of community benefits.

Explanatory text is included in Chapter 18 at paragraphs 18.16 ii and iii. This matter is addressed further in PSM24 paragraphs 2.8, 2.9, & 4.4(x), and Addendum. |
<table>
<thead>
<tr>
<th>Page 18.23a</th>
<th>CS37(13)</th>
<th>This is an unnecessary duplication of CS36(5) to which Horizon also object. CS36(5) has been amended to indicate that community benefits ‘may’ be required. For NNB and certain nuclear waste proposals, the provision of community benefit is considered to be a pre-requisite as is explained in the supporting text 18.25 – 27. As Core Strategy policy, the SoS is not bound to take this into account. The NPS also acknowledges that local impact has the potential to outweigh benefits and that a DCO may be refused as a result.</th>
</tr>
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<tbody>
<tr>
<td>CS36(7)</td>
<td>Meeting the requirements of the legislative provisions of the Habitat Regulations is axiomatic. There is no need to include Criterion 7. The inclusion of this criterion reflects the particular context of S Glos, which includes the European designations on the Severn Estuary, and the fact that three NSIPs are proposed in the immediate vicinity. It is the Council’s experience that project promoters have not always considered the landward implications of the international designations on the estuary. Therefore a criterion is included to highlight the need for compliance with these regulations.</td>
<td>A</td>
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<tr>
<td>CS36(8)</td>
<td>The issue of flooding is covered by CS1 (11), and inclusion of this criterion is therefore unnecessary duplication. Due to the particular geography of S Glos, flooding is a significant issue across a large area. Three NSIPs proposed to date are all located on relatively low lying ground close to the estuary. The Council therefore considers important that there is a MIP specific criterion relating to flooding.</td>
<td>A</td>
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<tr>
<td>18.11</td>
<td>Horizon recommend summarising the Council’s role by quoting a published source and the 7 bullet points listed at Paragraph 2 of the CLG Guidance on the 2008 Act (March 2010) as referred to by the Council, would appear appropriate. The Council considers that its listing of examples of roles of the Council in relation to MIPs is consistent with Government Guidance and aids clarity. The examples given at paragraph 18.11 are drawn from CLG Planning Act 2008: Guidance for Local Authorities, paragraphs 2, 24, 25, 50, 51, 54, 56, 58, 59, 62, 64, Annex A, Annex B, and CLG Guidance on Associated Development, paragraph 11.</td>
<td>A</td>
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<tr>
<td>New Heading prior to 18.16i &amp; 18.24</td>
<td>The heading for this section should be consistent with the content of the text (i.e. Mitigation and/or Compensation) The text in paragraphs 18.16i – 18.16iv, and 18.25 and 18.26 deal with matters related to both Mitigation and Compensation, and therefore the title is correct.</td>
<td>A</td>
</tr>
<tr>
<td>I</td>
<td>18.17a</td>
<td>Concern that the word ‘fundamental’ is emotive, and not convinced that CS36 and CS37 list these issues.</td>
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<tr>
<td>m</td>
<td>CS36 &amp; 37</td>
<td>Concern that there is duplication and inconsistency between policies, e.g. between CS36(1) and CS37(1)</td>
</tr>
<tr>
<td>CS37(8)</td>
<td>It is not clear why this criterion is needed in addition to policies CS36 (1) &amp; (6).</td>
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<td>n</td>
<td>CS37(6)</td>
<td>Horizon are concerned about the requirement for the Council to approve a delivery plan prior to a DCO application being submitted. This criterion is inconsistent with the last paragraph of CS36.</td>
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<td>o</td>
<td>CS37(8)</td>
<td>Similarly it would not be appropriate to seek approval to all procurement etc strategies with the Council. Horizon is not clear on the approval process for this and the implications for the Council/officers etc not approving these delivery plans.</td>
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<tr>
<td>18.23</td>
<td></td>
<td>Policy CS37 does not set 'requirements'. The last paragraph of Policy CS36 refers to delivery and management plans that 'may be requested' for MIPs. Both policies CS36 &amp; CS37 seek '...compliance as appropriate or relevant...' with the policy criteria. Therefore delivery plans would be requested only where appropriate or relevant. Please see PSM24 paragraph 2.12 for an explanation as to why delivery plans may form an important element of impact mitigation.</td>
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<td>Criterion C37(6) is specific to legacy issues which is considered most relevant to nuclear related development. For such large scale, complex and long term projects, timing and therefore delivery plans for infrastructure are considered critical.</td>
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<td>Procurement strategies (C37(8)) have long lead in times and are necessary to ensure local benefits. This policy therefore promotes early engagement and agreement between the Council and developer. The benefits of Delivery Plans and Procurement Strategies can then be reflected in the LIR.</td>
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<td>If delivery plans or procurement etc strategies are considered by the Council to be necessary for impact mitigation or to meet the aspirations of policy, but they were not delivered or agreed, this could be considered as a failure to comply with this policy. For NSIPs, the Council would then expect to highlight any impacts of this non agreement in its Local Impact Report. If the Council is the determining authority, then the lack of compliance may be a material consideration in making a decision on the application.</td>
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<td>There are no grounds for saying that NNB will be likely to affect the image of the area, the agricultural sector, the property market, tourism and inward investment and economic growth. This statement does not appear to Horizon as balanced and impartial</td>
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<td>Given the nature, scale and duration of a NNB project the Council considers that it is reasonable to assume that NNB would be likely to result in the impacts listed. Reference to the scale and nature of the Hinkley C proposals supports this. Due to the early stage in project development at Oldbury, the Core Strategy does not quantify or detail such impacts.</td>
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<td>p</td>
<td>Nuclear Waste</td>
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<tr>
<td>18.23d 18.23e</td>
<td>The NPS is very clear that intermediate power station waste will be stored on site. 18.23d and 18.23e give a false impression that NNB at Oldbury may come forward with proposals for storage off-site elsewhere in South Gloucestershire.</td>
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<td>As a result of its membership of the Nuclear Legacy Advisory Forum, the Council is aware that although it is currently planned that ILW will be stored on each NNB site, it is possible that different approaches may be proposed in the future. Information relating to this is available on the NuLeAF web site: NDA publish initial feasibility study into spent fuel management options <a href="http://www.nuleaf.org.uk/nuleaf/documents/6_july_2011_3G_Item_7_Progress_Report.pdf">http://www.nuleaf.org.uk/nuleaf/documents/6_july_2011_3G_Item_7_Progress_Report.pdf</a> (See Section 3 and Annex) Page 2 of the NDA link below also mentions the potential for shared storage of ILW with respect to Magnox waste. In addition the Council is aware of the capacity issues relating to LLW and VLLW and the possibility that, subject to the relevant permits, such waste could be disposed of in other landfill sites – e.g. the recent King’s Cliffe inquiry decision. This matter is touched on in the NuLeAF seminar summary linked below. Page 26 of the NDA document is also relevant. Page 4 of the NuLeAF Seminar document also provides a PINs view on the relevance of radioactive waste policy for councils. <a href="http://www.nda.gov.uk/documents/upload/UK-Strategy-for-the-Management-of-Solid-Low-Level-Radioactive-Waste-from-the-Nuclear-Industry-August-2010.pdf">http://www.nda.gov.uk/documents/upload/UK-Strategy-for-the-Management-of-Solid-Low-Level-Radioactive-Waste-from-the-Nuclear-Industry-August-2010.pdf</a> <a href="http://www.nuleaf.org.uk/nuleaf/documents/Seminar_Report_RW_Management_and_Spatial_Planning_2012.pdf">http://www.nuleaf.org.uk/nuleaf/documents/Seminar_Report_RW_Management_and_Spatial_Planning_2012.pdf</a> The Council is therefore of the view that its policies in relation to nuclear waste should both recognise the current policy and operational context, but also be future proofed.</td>
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National Policy Statement nominated site for nuclear new build power station