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7th June 2017

Mr Tony Blackburn
15 Ottawa Close
Blackburn
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Dear Mr Blackburn,

**Fylde Local Plan to 2032 Stage 2 Examination Hearing Sessions
Representation on behalf of the Nuclear Decommissioning Authority**

We are writing to you on behalf of the Nuclear Decommissioning Authority (the NDA) in response to the Inspector's invitation to submit a statement to the *Fylde Local Plan to 2032 (Local Plan)*, Stage 2 Examination Hearing Sessions to address the *Inspector's Matters, Issues and Questions*. GVA is the appointed property advisors for the NDA and provides planning advice across the NDA's UK-wide estate.

The NDA is the strategic authority responsible for managing the effective and efficient clean-up of the UK's nuclear legacy, which includes the Springfields site. Land within the Nuclear Licenced Site (NLS) is subject to decommissioning of redundant facilities and, where necessary, the remediation of land. Springfields Fuels Limited is the Site Licence Company (SLC) which operates the site, under the management of Westinghouse Electric UK Limited, on a 150-year lease from the NDA to carry out the processing of materials and wastes from nuclear fuel fabrication and decommissioning activities at the site.

For the avoidance of doubt, GVA previously made representations on behalf of the NDA to the consultation on the *Publication Version* of the *Local Plan* on 13 September 2016. Our comments have been assigned the representor ID 'OC/AGCN/16/00270' (Fylde Borough Council's Submission Document reference SD012 '*Text of Regulation 20 Representation in Policy Order*', Page 171). For ease of reference and completeness, a copy of the previous representation submitted on behalf of the NDA is attached to this letter.

We would be grateful if you could treat this letter as the NDA's Hearing Statement.

Response to the Inspector's Matters, Issues and Questions

We have responded to a number of the Inspector's questions. Each question is addressed in turn below.

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Matter 6 – General Development

Question 39 - Is it clear in GD5 what is meant by 'large developed sites'?

It is considered that 'large developed sites in the countryside' are clearly identifiable by virtue of the policy wording and the allocations the *Polices Map* accompanying the *Local Plan*. It is the NDA's view that no further clarification is considered necessary in respect of the allocated sites.

Question 40 - Should reference be made to the NDA redundant facilities site at Springfield within Policy GD5?

It is noted that Policy GD5 refers to the Westinghouse Springfields site as a large developed site in the countryside. There is, however, a typographical error in the *Publication Version* of the *Local Plan* as the site is referred to 'Westinghouser Springfields' which needs to be corrected to 'Westinghouse Springfields' accordingly.

For clarity, the Westinghouse Springfields site is operated by Springfields Fuels Limited, under the management of Westinghouse Electric UK Limited on a 150-year lease from the NDA. As such, any reference to the Westinghouse Springfields site is also a reference to the NDA owned land and facilities.

As previously mentioned, Springfields is subject to operations and uses associated with the processing of materials and wastes from nuclear fuel fabrication and decommissioning of redundant facilities. One of the NDA's key strategic objectives in the current NDA strategy (*NDA Strategy*, Effective from April 2016)¹ is to optimise the reuse of sites within its portfolio. This encompasses land use either when the NDA mission is complete or on an interim basis prior to achieving the site end state (an interim use). As such, areas of the site may be released for redevelopment for alternative uses as the decommissioning and remediation progresses. Therefore, it is critical to the NDA's mission that a supportive planning policy context is in place to allow appropriate interim uses to come forward.

Policy GD5 includes a list of relevant criteria which any redevelopment proposals across all of the sites should address. Any proposals for the redevelopment of the Springfields site would come forward in line with Policy GD5, as well as other relevant *Local Plan* policies.

It is noted that reference to the uses on the site is made in Policy EC1. Commentary on this policy is provided later in this letter in our response to Question 52.

Question 41 - Policy GD5 promotes mixed use development on large developed sites in the countryside. Is the policy sufficiently clear about the mix of uses that would be acceptable on such sites?

It is noted that Policy GD5 promotes mixed use development on the large developed sites in the countryside. The supporting text to the policy (para. 8.16) defines mixed use development as "*urban, suburban or rural development, that combines a mix of residential, commercial, cultural, institutional, leisure, educational, community, health or industrial uses, where those functions are physically and functionally integrated, and that provides pedestrian and cycle connections*". The need for flexibility is welcomed in the broad land use categories identified.

However, it is the NDA's view that these broad categories should be included within the policy wording for the purposes of clarity. There should also be consistency between the broad categories of uses identified in Policy GD5 and Policy GD6. As such, it is requested that Policy GD5 includes the following use categories within the policy wording:

"...residential, employment, commercial, energy generating, leisure, cultural, institutional, education, health, community and recreational uses..."

¹ For further information see NDA Strategy effective from April 2016 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/512836/Nuclear_Decommissioning_Authority_Strategy_effective_from_April_2016.pdf)

Matter 7 – The Economy – Site Allocations and Delivery

Question 52 - Policy EC1 lists appropriate use classes for each site – are these justified and effective? Is there justification for some sites to be allocated for other uses (such as sites MUS2, ES4, ES5, ES6)? What is the purpose of including the term ‘where unacceptable harm is not caused, the following uses will be permitted.....’ when appropriate uses are already listed within the policy?

Policy EC1 refers to appropriate use classes for allocated and existing employment sites. For clarity, it is suggested that allocated and existing sites are split over two policies – i.e. *Policy EC1 – Allocated Employment Sites*; and *Policy ECX – Existing Employment Sites*.

With respect to Springfields, Policy EC1 identifies appropriate uses as falling within use classes B1(a), B1(b), B1(c), B2 and B8. As highlighted in our previous representations, the *Publication Version* of the *Local Plan* does not properly acknowledge all of the existing and on-going activities and uses at Springfields. These include those associated with the processing of materials and wastes from nuclear fuel fabrication and decommissioning activities at the site. Much of the development required as part of the decommissioning works, and the processing of materials and wastes from nuclear fuel fabrication and associated research, are considered ‘Sui Generis’ use, and as such, do not obviously represent ‘employment uses’ falling within the designated employment uses under Policy EC1. Such uses generate employment opportunities and business activity, and are compatible with the employment uses identified as appropriate for the site.

It is noted that the Council has proposed a minor modification (Minor Modification Reference MNR019) to the *Local Plan* in respect of Springfields. This will provide additional supporting text to Policy EC1 under paragraph 9.17 to acknowledge that the Springfields site will be subject to on-going activities associated with the processing of materials and wastes from nuclear fuel fabrication and decommissioning of redundant facilities, in addition to the employment uses specified in the policy². This amendment also acknowledges that such activities could fall outside the use classes specified in Policy EC1.

It is the NDA’s view that this modification does not provide sufficient clarity as the Policy identifies existing employment sites and therefore should also identify the existing uses on those sites as appropriate. All of the supported and existing uses should therefore be clearly identified within the table set out under Policy EC1 to provide greater clarification of the uses considered appropriate at the site. This would reflect the most up-to-date position for the site in terms of its current use.

The NDA therefore reiterates its previous representations and requests that the Policy identifies the following as appropriate uses for Springfields:

“B1(a), B1(b), B1(c), B2, B8 and uses associated with the processing of materials and wastes from nuclear fuel fabrication and decommissioning of redundant facilities”

It is considered that the above approach would be consistent with the aims of Policy EC1 and other *Local Plan* policies in respect of supporting a variety of employment-generating uses at existing employment sites. Areas of the NDA-owned site may be released for redevelopment for alternative uses (including new employment uses) as the decommissioning and remediation progresses at the site. This would be in accordance with paragraph 9.17, which states that *“a flexible approach will be taken with regard to existing employment sites such that appropriate enabling development will be supported, in order to retain employment uses on these sites.”*

Should the table under Policy EC1 not be amended, the listing for Springfields is not considered to be justified and Policy EC1 is not considered effective as it would not accurately represent what is deliverable (and currently taking place) at the site, given the continuing decommissioning and remediation activities which will extend throughout and beyond the plan period.

² Fylde Borough Council’s Submission Document reference SD014 ‘Schedule of Proposed Minor Modifications’, Page 5

The suggested wording will align with the site's allocation within the *Joint Lancashire Minerals and Waste Local Plan* (where operational land within the curtilage of the Springfields nuclear fuel manufacturing complex is allocated for the disposal of low-level radioactive waste produced at the facility), and the *NDA Strategy*, Effective from April 2016.

Question 53 - Where Policy EC1 refers to alternative uses for allocated and existing sites should cross reference be made to other Plan policies such as Policies GD7 and GD8?

The NDA agrees that Policy EC1 should include an appropriate cross-reference to other relevant *Local Plan* policies against which development proposals for alternative uses would be considered. This should include cross-reference to Policy GD5 in respect of large developed sites in the countryside.

Question 54 - Is it effective to list existing employment sites in Policy EC1? Is the list justified, based on up-to-date evidence and in accordance with paragraph 22 of the Framework? Are all sites still active employment sites or is there justification for some sites to be removed from the list (such as Mythop Lodge)? Is the list consistent with Appendix 6 as referred to in paragraph 9.17?

The NDA is supportive of the approach taken to list existing employment sites in Policy EC1 and consider it useful to include a list within the policy itself to clarify the uses that would be supported at each site (subject to the amended wording requested for the Springfields site). Although, as stated earlier, it is considered greater clarity would be achieved if the allocated and existing sites were listed under separate policies.

With regard to paragraph 22 of the *NPPF (the Framework)*, the NDA supports the continued allocation of the Springfields site for employment use. However, for the reasons outlined earlier in this letter, it is considered that there is no justification for the policy not to include a range of appropriate uses based on up-to-date evidence – particularly as the site has a more than reasonable prospect of being used for the uses requested in our representations. The NDA therefore requests an amendment to the listing to reflect the comments made in this representation.

Conclusion

This representation has been made by GVA on behalf of the NDA in response to the Inspector's invitation to submit a statement to the *Fylde Local Plan 2032*, Stage 2 Examination Hearing Sessions to address the *Inspector's Matters, Issues and Questions*.

In summary, the NDA is supportive of the continued allocation of the Springfields site under policies GD5 and EC1. The NDA requests that the table under Policy EC1 is amended to add text to support '*uses associated with the processing of materials and wastes from nuclear fuel fabrication and decommissioning of redundant facilities*', together with the designated employment uses at the site. If you require anything further in respect of this representation, then please contact us.

Yours faithfully,



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For and on behalf of GVA Grimley Limited

Our Ref: TN /17B604301/130916

13 September 2016



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Dear Sir / Madam

FYLDE LOCAL PLAN TO 2032 PUBLICATION VERSION CONSULTATION **Representation on behalf of the Nuclear Decommissioning Authority**

We are writing to you to provide a representation to the current consultation on the *Fylde Local Plan to 2032* (Local Plan), on behalf of the Nuclear Decommissioning Authority (NDA). GVA is the appointed property advisors for the NDA and provides planning advice across the NDA's UK-wide estate. We have made representations to various local plan and other consultations across the UK, affecting various NDA sites.

These representations are made in respect of the Springfields site, which is operated by Springfields Fuels Limited on behalf of the NDA to carry out the processing of materials and wastes from nuclear fuel fabrication and decommissioning activities at the site. Decommissioning involves the systematic removal of plant and buildings previously associated with fuel fabrication; it is a long process expected to last a few decades.

Representation Made

Within the emerging Local Plan (Publication Version), the Springfields site (referred to as 'Westinghouse Springfields, Salwick') is allocated as a large developed site in the countryside under Local Plan Policy GD5 (Large Developed Sites in the Countryside), as well as an existing employment site under Local Plan Policy EC1 (Overall Provision of Employment Land and Existing Employment Sites).

Whilst the NDA supports these allocations, it could be considered that the Local Plan does not properly acknowledge the on-going decommissioning process at Springfields. It is expected that decommissioning of the NDA's legacy facilities will continue beyond the plan period. Certain new development proposals will inevitably be required in connection with the decommissioning of legacy facilities and these should be supported through the Local Plan.

The former nuclear site forms part of the existing employment site allocation under Local Plan Policy EC1, which seeks to retain the wider site for B1(a), B1(b), B1(c), B2, B8 uses. However, many of the developments required as part of the nuclear decommissioning activities at Springfields will not fall within Use Classes B1, B2 or B8. Decommissioning, the processing of materials from nuclear fuel fabrication and associated research are considered Sui Generis use, and subsequently, various applications which may be required at Springfields would involve Sui Generis uses and development not obviously representing an 'employment use'.



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We feel that the emerging Local Plan would benefit from contextualising the on-going decommissioning process at Springfields in order to ensure that the allocations fully account for the current operational and future development at the site. As such, it is suggested that the proposed employment site allocation under Local Plan Policy EC1 should be amended to support development associated with decommissioning, as well as the designated employment uses. It is suggested that Policy EC1 should contain supportive policy wording for the following uses:

"B1(a), B1(b), B1(c), B2, B8, as well as operations and uses associated with the processing of materials and wastes from nuclear fuel fabrication and decommissioning of redundant facilities."

To provide additional clarity, it is also recommended that the following paragraph be inserted after paragraph 9.17 of the supporting text for Policy EC1:

"The Springfields site is subject to activities associated with the processing of materials and wastes from nuclear fuel fabrication and decommissioning of redundant facilities. Decommissioning is a long process which will extend beyond the plan period. Certain proposals for new development (associated with decommissioning) will be required at Springfields."

Should additional policy wording not be introduced, the Local Plan is not considered to be 'effective' in terms of the test of soundness as set out in paragraph 182 of the National Planning Policy Framework (NPPF). It would not represent what is deliverable at the site, given the continuing decommissioning operations and works which will extend throughout and beyond the plan period.

Conclusion

This representation has been made by GVA on behalf of the NDA in response to the current consultation on the *Fylde Local Plan to 2032*. In summary, the NDA is supportive of the proposed allocation of the Springfields site for the designated employment uses as set out by Local Plan Policy EC1. For clarity, it is considered that the existing site boundary of the allocation is suitable. However, the NDA suggest that the proposed allocation should also support development associated with the on-going decommissioning process. If you require any clarity in respect of the above representation, then please contact me on 02920 248911 or at ben.lewis@gva.co.uk.

Yours faithfully



Ben Lewis MRTPI
Director in Planning, Development & Regeneration
For and on behalf of GVA Grimley Limited

cc. Kim Baines – NDA