

Independent Examination of the Stroud Local Plan Review

Response to Inspector's Matters, Issues and Questions

Matter 5 – New Settlements at Sharpness and Wisloe

**Submitted on behalf of the Nuclear Decommissioning Authority and
Magnox**

February 2023



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1. Introduction

- 1.1 The following statement responds to the questions raised of relevance to the Nuclear Decommissioning Authority (NDA) and Magnox. The responses are below the stipulated 3,000 word limit.

2. Matter 5 – New Settlements at Sharpness and Wisloe

Issue 5: Are the proposed new settlement allocations at Sharpness and Wisloe justified, effective and consistent with national policy?

Issue 5, Question 11: Has full consideration been given to the impact of the proposal on other factors including the loss of agricultural land and local landscape and is this clearly set out in the evidence base supporting the Plan?

- 2.1 Avison Young submitted representations to Stroud District Council on behalf of the Nuclear Decommissioning Authority (NDA) and Magnox during the Regulation 19 Consultation stage, in July 2021. This focused on a number of key elements of Strategic Site Allocation Policy PS36 Sharpness New Settlement, to ensure the proposed settlement would not impact adversely on the operations and activities associated with the Berkeley nuclear site.
- 2.2 For context, 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.
- 2.3 In the document *"Summary of Regulation 20 responses to the Pre-Submission Draft Plan (Regulation 19 Consultation) PART 1: Site Allocations"* the Council responded to the following points raised by the NDA and Magnox.
- Additional pressure on highway network, during construction and on completion, and impacts on emergency access provision and movement of large plant/ materials from the Berkeley site.
 - Lack of consideration for the consented decommissioning activities on the Berkeley site in line with the 'Agent of Change' principle.
 - Impact of remediation works on proposed residential development requiring potential mitigation.
- 2.4 The Council's response briefly stated that: *"Further conversations are welcomed to ensure that the delivery of the new settlement will not impact adversely on the Berkeley site"*.
- 2.5 Given the scale of the proposed development the NDA and Magnox wish to restate their concerns regarding a lack of information and policy detail regarding the proposed housing allocation and its' relationship with the operation and decommissioning of the Berkeley nuclear 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.
- 2.6 In addition, 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 demolition and remediation activities which may be regarded as a nuisance to sensitive new developments – such as the c.2,400 new homes proposed.

2.7 The NDA and Magnox therefore remain very concerned that the potential impact of the consented decommissioning activities of the Berkeley site on the new settlement 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 Agent of Change principle predominantly concerns the impacts of noise-generating uses and activities but other nuisances should be considered under this policy. Other nuisances include dust, odour, light and vibrations.

2.8 For clarity, the NPPF paragraph 187 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."

2.9 This means that planning authorities have to take into account the use of an area before a new development is introduced (this being at both the plan making and planning application stages), 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.

2.10 The guidance in the PPG (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".

2.11 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"*.

2.12 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."*

2.13 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:

- Engineering: reducing the noise generated at source and/or containing the noise generated;
- 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;

- 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;
- Mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

2.14 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.

2.15 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.

2.16 Furthermore, any planning policies for the Sharpness site should recognise the agent of change principle and require this to be considered as planning applications are progressed for the scheme. Given the continued absence of any proposed amendments by the Council to the Sharpness new settlement policies to deal with the agent of change principle, the NDA and Magnox have indicated below the key components that such a policy should contain.

Policy XX Agent of Change

- A** *The Agent of Change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Applicants should ensure that planning applications consider the Agent of Change principle and take account of existing noise and other nuisance-generating uses in a sensitive manner when new development is proposed nearby.*
- B** *Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.*
- C** *Development proposals should manage noise and other potential nuisances by:*
- 1) ensuring good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area*
 - 2) exploring mitigation measures early in the design stage, with necessary and appropriate provisions including ongoing and future management of mitigation measures secured through planning obligations*
 - 3) separating new noise-sensitive development where possible from existing noise-generating businesses and uses through distance, screening, internal layout, sound-proofing, insulation and other acoustic design measures.*



- 2.17 Without such changes to the policy it is considered that the proposed new settlement allocation at Sharpness is not justified, effective or consistent with national policy.

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