

## Introduction

The Submarine Dismantling Project (SDP) is the MOD's programme to deliver a safe, secure and environmentally responsible solution for dismantling 27 defuelled submarines. This involves recycling the bulk of the submarine and safely disposing of the remainder. The submarine's Reactor Pressure Vessel (RPV) contains Intermediate Level radioactive Waste (ILW) and must be stored for an interim period until it can be processed and sent to a proposed Geological Disposal Facility (GDF) sometime after 2040.

This Topic Summary provides information on planning issues and related permitting issues.

## Planning Process

The basic structure of the planning systems is similar in Scotland and England. They are both 'plan-led' i.e. decisions are made in line with formal development plans setting out national and local planning policy, unless there are 'material considerations' that justify going against the plan.

Following a decision by the MOD on the storage site, a planning application for the proposed interim ILW store will be prepared by the site operator and submitted to the Local Planning Authority. The relevant authorities for each shortlisted site are:

- AWE Aldermaston - West Berkshire Council (unitary authority).<sup>1</sup>
- AWE Burghfield - West Berkshire Council (unitary authority).
- Capenhurst - Cheshire West and Chester Council (unitary authority).
- Chapelcross - Dumfries and Galloway Council (unitary authority).
- Sellafield - Cumbria County Council.<sup>2</sup>

The planning application will detail the proposed development including the function, size, shape, elevations and supporting infrastructure.

<sup>1</sup> For the AWE sites, the planning application would be prepared by AWE but formally submitted by the Secretary of State for Defence.

<sup>2</sup> If Sellafield is the chosen site, Cumbria County Council will be the determining authority but Copeland Borough Council will be involved in the planning process under existing arrangements.

## Environmental Impact

The planning application will be accompanied by an Environmental Statement under the Environmental Impact Assessment (EIA) Regulations.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 applies in England<sup>3</sup> and the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 apply in Scotland<sup>4</sup>. The aim of EIA in this context is to protect the environment by ensuring that planning authorities have full knowledge of any likely significant environmental effects and take them into account when they are deciding whether to grant planning permission for a project.

Where alternative options have been considered, the Environmental Statement will include an outline of the main alternatives and an indication of the reasons for the choice made. The public will be able to view and comment on the planning application and the Environmental Statement.

## Consultation

The local planning authority has an obligation to circulate the planning application to a wide range of consultees including statutory consultees. These consultation bodies will be dependent on the location of the preferred site and determined by specific legislative and policy requirements and guidance.

## Determining a Decision

Once a planning application has been validated, the local Planning Authority is required to make a decision on the proposal within statutory time limits unless a longer period is agreed in writing with the applicant. The statutory time limit for 'determination' of a planning application for the proposed RPV store is 16 weeks as it will be subject to EIA.

<sup>3</sup> See

<http://planningguidance.planningportal.gov.uk/blog/guidance/environmental-impact-assessment>

<sup>4</sup> A planning advice note is available at [www.scotland.gov.uk/resource/0043/00432581.pdf](http://www.scotland.gov.uk/resource/0043/00432581.pdf)



After the consultation period, the Planning Officer will consider a range of information including: the responses to consultation; the information in the Environmental Statement; the adequacy of the information provided; and any other relevant information. The Planning Officer will then prepare a report with a recommendation to the Planning Committee.

The Planning Committee – which comprises elected members of the council - will take into account the Planning Officer's report and will make the final decision to approve or refuse the application based on 'material planning considerations' and set any planning conditions.

The Local Planning Authority is obliged to inform the public of the Planning Committee's decision and the main reasons for that decision. This is normally done in the same way for all applications, through regular channels such as the council's website.

## Call-in and Appeal

Both Scottish Ministers and the Secretary of State have a general power to 'call-in' planning applications for their own determination. Applications can be called in at any time during the planning application process up to the point at which the Local Planning Authority actually makes the decision.

Scottish Ministers and the Secretary of State have the authority to consider a called-in application through a public inquiry, informal hearing or through written submissions.

If the application is refused, the applicant can appeal against the decision to the relevant authority:

- In Scotland planning appeals can be decided by 'reporters' from the Scottish Government Directorate for Planning and Environmental Appeals, although the Scottish Government can 'recall' an appeal for determination.
- A similar process applies in England where the majority of planning appeals are decided by an Inspector from the Planning Inspectorate but the Secretary of State has the power to 'recover' an appeal for determination.

## Permitting

As well as securing planning permission, the RPV store will be subject to a number of other regulatory processes.

All the shortlisted sites are Nuclear Licensed Sites under the Nuclear Installations Act (1965) regulated by the ONR. This means that in addition to securing planning permission for the proposed interim storage facility, any necessary regulatory consent will have to be received from the ONR before the facility can be built, commissioned or operated.

Nuclear Site Licensees also require an environmental permit in England or authorisation in Scotland for any discharges or disposal of radioactive waste.

No discharges are expected but whichever site is chosen will nevertheless have to formally consider whether there needs to be any variation to the permitted or authorised limits.

The ONR and the environment agencies co-operate in exercising their respective functions and will also be fully consulted as part of the planning application process.

## More Information

Further information and all the SDP consultation documents are available at:

<https://www.gov.uk/government/publications/submarine-dismantling-project-interim-storage-of-intermediate-level-radioactive-waste>

In particular, see SDP's *Supporting Information on Planning and Permitting* document for more information on planning and on regulation by ONR, The Environment Agency and the Scottish Environment Protection Agency (SEPA).

