

DEVELOPMENT CONTROL AND REGULATION COMMITTEE
27 July 2007
A Report by the Head of Environment

Application No	2/07/9002	District	Allerdale
Applicant	Studsvik UK Ltd Unit 14 Princes Park 4th Avenue Gateshead.	Parish	Winscales
		Date of Receipt	23 January 2007

PROPOSAL Change of use and extension of existing building to create a metals recycling facility, erection of a security fence and lodge and ancillary works
Site at 1 Joseph Noble Road, Lillyhall Industrial Estate, Workington

1.0 RECOMMENDATION

- 1.1 That having had regard to the environmental information, planning permission is GRANTED for the reasons set out in Appendix 1 and subject to the conditions in Appendix 2.
- 1.2 That the planning assessment in Section 4 of this report shall form the basis of the statement required to be made public under Section 21 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

2.0 THE PROPOSAL

- 2.1 The application is for a change of use of an existing industrial building together with its extension and other ancillary works. This site, formerly used as an engineering works, is proposed to be used for the decontamination of scrap metal contaminated with low level radioactive waste which arises from the nuclear decommissioning programme. Cleaned metal components would be recycled as scrap metal. The residue contaminated material would be sent to the Low Level Waste Repository near Drigg (LLWR) for disposal.
- 2.2 The existing building is a rectangular steel framed and clad structure measuring 71m x 30m with a mono pitch roof with a maximum height of 6m. The building has an annex located to the rear of the main structure. This is similarly steel framed and is 30m long and 15m wide.
- 2.3 The application proposes construction of an extension to the main building to contain processing equipment. This extension would be on the south west side of the existing building and would measure 41.5m x 10m x 11m with a 13m high ventilation stack. Outside of the buildings a new security fence 3.5m high topped with razor wire and a gatehouse to provide additional security are proposed. Landscape planting would be provided to improve the appearance of the site.
- 2.4 The processes involved in decontamination would be carried out within secure chambers within the buildings and would comprise size reduction and shot blasting to remove contaminated material from the metal. Procedures for safety and environmental protection are included in the application. These include procedures to assess levels of radiation in material brought to the site and in metal released for recycling. They also include the provision of equipment and filters to prevent emissions to air, water or land from the proposed process.
- 2.5 Material for process would be brought to the site in sealed ISO containers at the rate of 2/3 loads per week. The application indicates that material would be brought to the facility from various sites across the UK using a combination of rail, sea and road transport (some of this material might be brought in by rail or sea to the Port of Workington), although 60% of the total is expected to come from Sellafield. Low level waste arising from the treatment process would be transported in half height ISO containers to the LLWR. In addition some soft wastes would be brought to the site and compacted in drums for disposal at the LLWR. (The applicant estimates that the site would generate some 500 drums per annum, equal to about one load per week to the LLWR).
- 2.6 The site would initially operate from 07.30am to 17.00pm but operations could be extended to working 24 hours per day if the business develops. The applicant states that development would provide 30 high quality jobs, 10 managerial and 20 'blue' collar.

- 2.7 This application was accompanied by an environmental statement. It has been necessary to request further information from the applicant and for additional consultation to be carried out because of the submission of that information.

3.0 CONSULTATIONS AND REPRESENTATIONS

- 3.1 Allerdale Borough Council (Planning): The above application was considered by the Development Panel on 10 July 2007 when it resolved to object to the application as contrary to Policies EM11, relating to the location of scrapyards and other salvage operations, and EM12 of the Allerdale Local Plan, which relates to sites covered by the Nuclear Installations Act 1965.
- 3.2 Allerdale Borough Council (Environmental Health): No objection subject to there being adequate controls over noise and atmospheric emissions.
- 3.3 Winscales Parish Council do not wish to comment on this application.
- 3.4 Dean Parish Council (adjacent parish): Support initiatives to reduce the amount of waste disposed of at the LLWR at Drigg but strongly oppose the proposed development. The reasons for opposing the proposal are: This type of waste should be treated at source in accordance with best environmental principles; the proposal to treat waste from other licensed 'nuclear sites' is contrary to Nuclear Policy objectives of both Cumbria County Council and Copeland Borough Council; it is unnecessary to transport such waste to this site through populated areas and it would be imprudent to risk a 'nuclear incident'; the information in the application is flawed in that sensitive receptors have not been properly identified, existing developments would be affected; the proposed fence is unacceptable; Lillyhall is not acceptable as a location as a matter of principle; existing businesses and sensitive receptors such as Lakes College would be adversely affected; and the decontamination process should be undertaken at Sellafield.
- 3.5 Distington Parish Council (adjacent parish) The Environmental Statement as originally submitted gave inadequate information as to the number of sensitive uses in the vicinity, and that therefore it is considered to be an indication that the applicant may have reason to not disclose or discuss what are considered to be the true facts. Therefore an objection is lodged.
- 3.6 Highways Authority: The proposed development is unlikely to have any material effect on the highway and there is no objection on these grounds.
- 3.7 Nuclear Installations Inspectorate (NII): No objection in principle. The activities proposed to be carried out at this site will require a licence under the Nuclear Installations Act 1965, (NIA). As part of the licensing process the NII would review the overall safety case and unless satisfied that the duty holder could operate the plant and control dose levels which are as low as reasonably practicable a licence would not be granted.
- 3.8 In response to a specific request from Cumbria County Council the NII has carried out a summary review of the further information provided in the Environmental Statement. The NII have said that the radiological assessment, though only partially complete, provides assurance that the impact arising from operations should be very low in line with the numerical targets in the latest version of the NII Safety Assessment Principles. The consequences have been calculated using accepted methodologies and coefficients. Some of the basic data used is 'assumed'. Whilst the assumptions appear reasonable and in line with targets in the latest version of their Safety Assessment Principles, the

submissions needed for a formal licence application under the NIA would need to be fully justified. As part of the licensing process the NII will review the overall safety case including radiological dose estimates with a much greater level of scrutiny. Unless satisfied that the duty holders can operate the plant and control doses to levels which are as low as reasonably practicable the NII will not grant a Licence.

- 3.9 Environment Agency support initiatives to reduce the demand for waste disposal at the Low Level Repository, near Drigg, and support the recycling of waste from nuclear decommissioning where it is demonstrated to be the best practicable environmental option for management of such wastes.
- 3.10 They consider the additional information submitted provided a suitable assessment that confirms that the impact from routine discharges would be negligible both to members of the public and, in the case of liquid discharges to sewer, to downstream treatment plant workers. Regulatory controls that they would apply through RSA93 (Radioactive Substances Act 1993), would ensure Studsvik used the best practicable means to minimise discharges from its operations, to ensure the impact remained negligible. This would include the supervision and manner of operations and the engineered systems used to control the discharges.
- 3.11 All surface water drains must be isolated and protected at all times. No process should have the potential to release any contaminated liquid to surface water drains at any time. Separate areas should be constructed to contain drainage from vehicle washings, plant re-fuelling, dust suppression etc, and these should be disposed of in an appropriate manner.
- 3.12 The Local Member, Mr A. Caine, has been notified.
- 3.13 A total of 79 letters of representation have been received from residents of Cumbria, prospective and actual visitors and local businesses in relation to this application. These letters, with two exceptions, object to the proposal. However some of the letters from businesses point out that generally they support the increase in skills for the nuclear industry.
- 3.14 The objections received from industrial/commercial operators are: That there would be adverse impact on existing employment uses in the Lillyhall area through the deterring of existing and future customers arising from the presence of the proposed facility; the risk to health and safety of employees and sensitive receptors; the potential damage to existing products and businesses if contamination occurred from an 'incident' including damage to businesses elsewhere in Cumbria and on the food processing industry in the area; the potential withdrawal of financial investment in a proposed cheese factory and loss of the 100 jobs it would create (to be located at Lillyhall); the adverse effect on the tourism industry through deterrence arising from knowledge of the presence of the facility; this site cannot be considered as an appropriate location for this facility. Objections also refer to the proximity of the proposed development to the Lakes College and that there are more sensitive uses within a defined radius of the application site than were identified in the ES.
- 3.15 The letters from individuals raise similar objections to the proposal which are that: the site is an inappropriate location; that future visitors would be deterred from coming because of knowledge of the presence of the facility; there is an unacceptable risk to the health and safety of local employees, residents and visitors; the facility should be located at the LLWR near Drigg or Sellafeld; there

would be an adverse effect on local businesses particularly on the tourism industry (most of the letters from further away within Cumbria and from outside the County emphasise that people would not visit the area if the facility was known); and there would be an unacceptable level of increase in the transport of contaminated materials on roads in Cumbria.

- 3.16 One letter of representation supporting the proposal has been received requesting that the application is approved because of the need for greater employment opportunities in the area.
- 3.17 A letter of support has been received from the West Cumbria Development Agency wholeheartedly and unequivocally supporting this project which meets their main objective of helping the economic regeneration of West Cumbria by helping create and secure jobs.
- 3.18 They have worked with the company in identifying the premises and in organising the numerous presentations that the company has made. They do not consider that this facility will adversely affect other businesses either on the site or considering locating there. Commenting on the proposed cheese factory they say that the project has either stalled or been withdrawn for one reason or another over the years and that in their view this project provides a further excuse for not going ahead.
- 3.19 The Lillyhall Industrial Estate is an important employment site and the WCDA have done more than most to help businesses to locate there. The suggestion that this facility is inappropriate for the general industrial profile of the estate is simply incorrect. There are several metal fabrication facilities and general industrial and engineering plants, including Alcan, in close proximity and Alco's Waste Plant is nearby. Also the likely availability of ex-Alcan workers was one of the reasons for Studsvik choosing this site.
- 3.20 The refurbishment plans for the facility would provide much-needed jobs and enhance the estate by tidying up the site. Studsvik's facility would be a good example of the type of innovative approach to the nuclear decommissioning process that the NDA has hoped for and encouraged. It would be a demonstration of the work of the Strategic Forum in achieving the long-term regeneration and diversification of West Cumbria. If the project does not go ahead it could send all the wrong signals as to West Cumbria's willingness and ability of deal with its liabilities and will adversely affect the WCDA's efforts to attract investment to the area.
- 3.21 No response to consultation has been received from Copeland Borough Council.

4.0 PLANNING ASSESSMENT

- 4.1 **Principle:** The proposed development involves treating metal contaminated with low level radioactive waste to enable it to be recycled. It is a process which would not only recycle material but would significantly reduce the amount of waste that would require eventual disposal. As such the activity would be at or near the top of the waste management hierarchy.
- 4.2 National, regional and local planning policy seeks to encourage provision of more recycling facilities. Policy 52 of the Cumbria Minerals and Waste Local Plan 1996 – 2006 (the CMWLP) requires that metal recycling facilities should be located in industrial areas. Policy WKEM4 of the Allerdale Local Plan allocates

9.24ha of land for local employment use including this site. I consider that the site is an appropriate general location for metal recycling under these policies.

- 4.3 However, Allerdale have objected to this proposal on the grounds that it is contrary to Policy EM11 and EM12 of the Local Plan. EM11 seeks to locate scrapyards and other salvage operations away from prestige areas of industrial estates unless exceptional circumstances are proven. The proposal is a salvage operation, which would recover metal, but it is not a scrapyard in the conventional sense. All processing would take place within buildings and it would not be distinguishable from surrounding businesses in terms of its external appearance and in terms of the nature of the activity. Whether this part of the site comes within the category of being a prestige area is debatable, given its mix of businesses, including metal working, and its proximity to a nearby landfill site and waste management centre. I therefore do not consider that it is in fact contrary to Policy EM11.
- 4.4 Policy EM12 states that planning permission will not be given except in the most exceptional circumstances for the use of land or buildings which require licensing under the Nuclear Installations Act 1965. (The policy also carries a presumption against planning permission being granted for other developments for hazardous materials such as explosives and hazardous substances). The justification for this policy states that the reason for its adoption is that the materials processed carry inherent dangers to occupiers of adjoining premises.
- 4.5 The issue to be considered is whether or not such exceptional circumstances exist for the proposed development at this site or are there other material considerations which would justify overriding this Policy. These aspects are considered below under need and alternative locations. The question of whether there are inherent dangers to adjacent occupiers is also assessed by consideration of potential effects of processing radioactive materials.
- 4.6 In respect to Sellafield and the LLWR, near Drigg the County Council has made a policy statement seeking to restrict the import of radioactive waste into the county for storage and disposal. With the amount of decommissioning activity that will take place in the UK at nuclear sites in the next few years, there will be a need for a range of new facilities to manage and dispose of the waste. Reducing the amount of contaminated waste is a high priority and this facility would contribute to that. Also, the facility is proposed to manage material from Sellafield. In respect to waste from outside the county the fact that this would be decontaminated and re-used, with only a proportion of residual material, is in my view not significantly in conflict with this policy stance. (The policy is not adopted planning policy at the present time).
- 4.7 **Traffic:** The site is accessible from Joseph Noble Road, an industrial standard access road with close links to the strategic highway network. The volume of traffic generated is expected to be about 2 – 3 container loads of metal imported to the site per week with one per week maximum of residues being removed to the LLW Repository, near Drigg. As such the volume of traffic is insignificant and the Highways Authority has raised no objection.
- 4.8 Concerns have been expressed over the nature of the materials to be transported on local roads and the risk this poses to the public. It is possible that the material may be transported by rail and ship to the Port of Workington and then by road from there to the application site through urban areas. The application points out that the material would be transported in leak proof containers and that similar loads have been transported for many years without

accidents.

- 4.9 The ES indicates that there are international standards for the packaging and transport of radioactive materials. These are based on the design of the package to achieve protection rather than the need for special actions during movement. This requires containment of the radioactive content in the event of an accident as well as during routine transport. The ES points out that there are more than half a million road shipments of radioactive materials annually in the UK compared to which the levels generated by this proposal would be very low.
- 4.10 I have spoken to the Vehicle Certification Agency's Dangerous Loads Department who are responsible for the packaging and transport of dangerous substances. They confirmed that operators in the nuclear industry are very familiar with the regulations covering transport of radioactive materials and the need to comply with them.
- 4.11 I have concluded that given the very low level of traffic, the location of the site close to the strategic road network and the regulations covering the safe transport of radioactive materials no objection to this proposal on highway grounds can be sustained.
- 4.12 **Potential Emissions:** The industrial process proposed to be used is a simple one in that it involves shot blasting to remove contamination from metal and would use standard industrial equipment. What distinguishes this proposed development from any other metal cleaning processes is that the materials to be handled would be contaminated with low levels of radioactivity.
- 4.13 The ES attempted to address the issue of potential emissions by modelling and assessing the impact of a number of pessimistic hypothetical scenarios on nearby receptors. One of these involved discharging the whole quantity of radioactivity that would be produced in one year of activity into the ventilation system and assessing the level of radioactivity at a point 300m distant from the plant, (the nearest residential property is over 500m distant). The ES concluded that in this (regarded as highly improbable) scenario the total radiation dose received by any person living at that point 300m from the plant would be one sixtieth of the level at which emissions of radioactivity would be regarded as insignificant. As a consequence it is was considered that the surrounding land could be developed for residential use without risk.
- 4.14 Both the Environment Agency and the Nuclear Installations Inspectorate carried out a technical review of the additional information requested for the ES on the issue of emissions. The Environment Agency concluded that it provided a suitable assessment that confirmed that routine discharges would be negligible both to members of the public and in the case of liquid discharges, to sewers to downstream workers. The NII concluded that the information provided reassurance that the impact arising would be very low and in line with targets in the latest version of their own safety assessment principles.
- 4.15 Detailed regulation of processes would be the responsibility of the NII who have indicated that a more detailed assessment would be required for the purposes of their consideration of a license application for the NIA. The Environment Agency has stated that an authorisation under Radioactive Substances Act 1993 which would control discharges to land, air and water could be issued if planning permission is granted. (The division between the agencies is that the NII's role is focussed on safety, both of workers within the proposed plant and the safety of the wider public. The EA, as indicated above authorises levels of discharge to

the environment).

- 4.16 Government guidance in Planning Policy Statement 23: Planning and Pollution Control, indicates that the planning system should focus on whether the development is an acceptable use of land rather than the control of processes and the emissions themselves. Planning Authorities should work on the assumption that the relevant pollution control regime which is the responsibility of the NII and the Environment Agency will be properly applied and enforced.
- 4.17 Notwithstanding this separation of responsibilities and whilst the issue of emissions of radioactive particles and radiation is not specifically dealt with in the Cumbria Minerals and Waste Local Plan (CMWLP), Policy 4 relating specifically to emissions of dust and odour from waste management facilities, establishes a principle that there should be no adverse impact from any emissions from a site and therefore this issue is a material consideration when considering this application.
- 4.18 Applying this principle to potential emissions from the proposed process in the light of the detailed advice from the Nuclear Installations Inspectorate and the Environment Agency I have concluded that there can be no objection to the proposed development on the grounds that it would give rise to an unacceptable risk to human health through emissions of radioactivity to atmosphere. This applies both to potential impacts that are directly on people or to the risk of contamination of products from the wider area of the Lillyhall industrial estate e.g. food production and packaging.
- 4.19 Objections to the proposal frequently pose the question, what if there is an 'incident'? without specifying what this might consist of. The ES considers that the most credible scenario would be a major facility fire in which volatile radionuclides are liable to be discharged into the atmosphere. It concludes that whilst this could represent an undesirable short term exposure of the public this would only represent 2% of typical background doses of radiation or 10% of the allowable dose criterion for new facilities. In addition because of the nature of the activities that would take place on the site, i.e. metal processing does not generate large quantities of flammable materials, and safety measures that would be requirements of the Nuclear Installations licence the likelihood of such a fire is considered to be very low by the NII.
- 4.20 **Social and Economic Impacts:** The proposal has led to significant levels of concern from both local residents and businesses on the Lillyhall industrial estate and further away. These concerns relate to both the potential for radioactive releases and the deterrent effect on other businesses, including tourism, from investing in the area. Concerns have been expressed regarding proximity to the Lakes College. A number of representations from Parish Councils have pointed out that the ES failed to properly identify the number of sensitive receptors within 2km of the proposed plant. (The initial ES was badly worded in this respect as it didn't explain that the intention was to identify the nearest sensitive receptor in each group, e.g. residential properties in order to assess impact at that point, rather than all residents within the 2km radius. This point was clarified in the additional information submitted).
- 4.21 Policy 23 of the CMWLP requires the County Council to take account of social and economic needs in deciding whether or not a proposed waste development such as this application would be acceptable. It requires that the net economic benefits are balanced against any adverse effects on local communities or the environment. The policy sets out four matters to be taken into account. In terms

of the number of jobs to be provided, the opportunities to develop the skills of locally employed people and the level of investment in the local economy this proposal would be considered to have a positive impact. It is in relation to the fourth matter relating to its impact on neighbouring businesses, including tourism that its impact is more problematic.

- 4.22 The objections received argue that other businesses would be deterred from investing at Lillyhall and possibly further away from the site, where it might discourage tourism. A specific example raised is in relation to permission granted for a cheese factory in the vicinity whose implementation, and 100 potential jobs, could be put at risk if planning permission is granted for this development. Another objection from an industrial business objects on the ground that an incident at the plant could result in an exclusion area which would prevent them getting their products, transported by a Lillyhall based haulier, to their customers.
- 4.23 This is a difficult issue to reach a conclusion on since the assessment of potential emissions and the transport of materials indicate that there is no objective basis on which other businesses in the area should need to be concerned. At the same time it is possible that other developers could be deterred by the perceived risk, particularly in the short term. However, decisions by businesses on where to locate are complex ones and take account of a range of factors. Experience suggests that development does take place adjacent to industries which might be considered to raise some risks of pollution as long as the location itself is seen as attractive and meets the needs of developers.
- 4.24 The social concerns to be taken into account are the expressions of public anxiety in relation to the potential adverse impacts arising due to the nature of the materials to be processed. Public anxiety is a material consideration in determining planning applications. The number of letters received is a significant number for any planning application and indicative of the level of public concern. However, the weight it can be given needs to have regard to the actual level of potential emissions which the ES assesses as being below a level regarded as insignificant, an assessment confirmed by the advice received from the NII and the Environment Agency.
- 4.25 **Need and Alternative Sites:** Policy EM12 of the Allerdale Local Plan states that planning permission will not be given except in the most exceptional circumstances for the use of land or buildings which require licensing under the Nuclear Installations Act 1965. It does not define what might constitute exceptional circumstances. It would be reasonable to consider need for such a facility to treat the increasing amounts of contaminated metal arising from nuclear decommissioning in relation to the potential availability of other sites in assessing whether exceptional circumstances exist.
- 4.26 The information in the ES shows that consideration was given to possible alternative sites for this proposed development. The alternatives listed in the ES were the possible location of the building and facility at the LLWR near Drigg, at Sellafield, the Port Of Workington and the former Corus Steelworks in Workington. The LLWR site and Sellafield were rejected because there is no space or suitable buildings available at these sites for the proposed facility. The former Corus Steelworks was rejected on the grounds that it would not be available in the time required and that the costs of upgrading the buildings to the required standard would be too high. The Port Of Workington was rejected because there is no building available at that site nor is it certain that there is sufficient space at the Port for the facility in a new building.

- 4.27 The application indicates that one of the major reasons for seeking to locate this development in this area is the proximity of the site to both Sellafield, the anticipate source of the majority of the metal to be processed, and to the LLWR for disposal of residual waste. This is in keeping with the proximity principle, of managing waste as close to the point of arising as practicable.
- 4.28 Representations received have pointed out that some contaminated metal waste is already subject to decontamination processes at Sellafield and that therefore most of the material that would be processed at this site could and should be processed at Sellafield. However, having discussed operations at Sellafield with Sellafield Ltd, (formerly BNG), I understand that the process undertaken on site uses a wheel ablator and does not decontaminate metal to the same degree as is now proposed as part of this development. In addition physical space at Sellafield is limited and the view of the operating company is that it may be not be sufficient for the full range of decommissioning work required by the Nuclear Decommissioning Agency, even without setting up additional businesses on site.
- 4.29 This is not to conclude that the application site is the only location on which this development could take place. The application has demonstrated that the process proposed is unlikely to result in significant emissions, a view accepted by both the EA and NII. Also that there are no major risks associated with the transport of the material on the public highway. The proposed development could be located elsewhere within Cumbria or indeed within the country. The decision to locate at this site is therefore, primarily a commercial one and has not demonstrated that exceptional circumstances exist as required by Policy EM12 of the Local Plan.
- 4.30 However, the justification for the policy is that sites regulated under the Nuclear Installations Act (NIA) must be inherently dangerous; an assumption not borne out by the facts in this case. The proposed use involves treating material with a low level of activity in an enclosed plant. The fact that it would be regulated under the NIA follows a recent policy decision by the NII. They were faced with a number of proposals across the country for processing contaminated materials from the nuclear industry and have taken the view that the public would expect such facilities to be tightly controlled.
- 4.31 In this case the decision that the development would require a licence was not to do with any perceived hazard from the process, which is considered by the NII to be low, but because it involves storage of material which the NIA defines as 'made radioactive through nuclear power generation'. The bulk storage of such material requires a licence. (The material to be processed at this site is low activity but by its nature bulky which brings it within the licensing regime). I therefore consider that there are material considerations which justify overriding the presumption in Policy EM12 that proposals involving developments regulated under the NIA will only be permitted in the most exceptional circumstances.
- 4.32 **Other impacts.** Concerns have been expressed about the visual impact of the security fencing. However, I consider that this would be acceptable on an industrial site and landscaping would mitigate any visual impact from the proposed building extension.
- 4.33 A survey provided with the application indicates that noise should not be an issue even if 24 hour working takes place. The site is in an industrial area and there would be no need for controls on hours of operation

Human Rights Act 1998

- 4.34 The proposal will have a limited impact on the visual, residential and environmental amenities of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) are minimal and proportionate to the wider social and economic interests of the community.

Conclusion

- 4.35 This is a finely balanced decision. The factors that weigh against the proposal relate to public concern over potential hazards and the potential adverse economic impacts that are considered might arise. In addition Allerdale have objected on the basis that the development would be contrary to two policies in their local plan. The factors in favour of this development are that this is an existing industrial building at an industrial site, and the site is a suitable general location for this type of industrial process. Traffic and other impacts would be negligible. Policies support waste recycling and reduction, and the development would provide 30 (high quality jobs). Also, as indicated above I do not believe that it conflicts significantly with the County Council's position on importing radioactive waste into the county for storage and disposal.
- 4.36 What distinguishes this proposed activity from any other similar industrial metal recycling operation is that it involves material contaminated with low levels of radioactivity. The level of risk from processing has been subject to a technical review of the information in the Environmental Statement by the Nuclear Installations Inspectorate and the Environment Agency. The comments presented by these bodies lead to the conclusion that the applicant has demonstrated that the proposed containment and control of the risk of contamination from radioactive material should be satisfactory for the purposes of their regulatory regimes. The applicant company also has an existing facility in Sweden which appears to have operated for some decades without adverse impacts arising.
- 4.37 The decision comes down to balancing public concerns about processing radioactive materials against the benefits of development, which are essentially economic. The assessment carried out suggests that public concern, whilst understandable, is not confirmed by an objective assessment of the impacts of development. It can therefore not be given significant weight in determining this application.
- 4.38 Overall I consider that the balance lies in favour of approval and I recommend that planning permission is granted.

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Head of Environment

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Background Papers

Planning Application File Reference No. 2/07/9002

Electoral Division Identification

Harrington, Clifton & Stainburn - Mr A Caine

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SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

- 1 This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
- 2 The key development plan policies taken into account by the County Council before granting permission were as follows:

Cumbria Minerals and Waste Local Plan (1996 – 2006)

Policy 1: Proposals for minerals and waste development which generate road traffic will only be permitted where:

- i. the roads, junctions and site access are to the appropriate standard, or they can be upgraded without causing irreversible damage to the character of the road, so that the road network is capable of accommodating the type and volume of traffic without having an unacceptable impact on highway safety or the convenience of other road users and;
- ii. the increase in traffic would not have an unacceptable impact on local communities by reason of visual intrusion, fumes, dust, noise and vibration.

Proposals for sites with good links to the strategic road network will be favoured.

Policy 4: Proposals for minerals and waste development will only be permitted where surrounding land uses can be adequately safeguarded from dust and odour.

(NB: For the proposed development the principle derived from this policy is pertinent to the risk of particle emissions)

Policy 23: In assessing the extent to which proposals for minerals and waste development meet the social and economic needs of the County's population and help maintain rural communities the following will be taken into account:

- i. the number, type and duration of direct and indirect jobs to be generated or maintained and how many will be or are occupied by local people; and
- ii. the opportunities for the development of skills of locally employed people; and
- iii. the level and nature of investment in the local economy from wages and use of local businesses; and
- iv. the impact on economic development initiatives and neighbouring businesses, including tourism.

Policy 52: Proposals for Scrapyards, Vehicle Dismantlers, Materials Recovery Facilities,

Transfer and Storage Facilities, to facilitate materials reuse and recycling will be permitted on industrial sites provided that they do not have an adverse impact on surrounding land uses and do not prejudice the overall development of the area.

Allerdale Local Plan 1999

Policy EM11: Proposals for scrapyards or other salvage operations determined by the Borough Council, will not be permitted to locate in prestige areas of established or proposed industrial estates unless exceptional circumstances are proven. In all cases, the following criteria will apply:

- (i) The proposal should not be located in a visually prominent position on an industrial estate frontage, main estate road or public highway.
- (ii) The proposal should incorporate effective landscaping and screening.
- (iii) There should be no significant detrimental impact on neighbouring uses.
- (iv) Any planning permission will be subject to strict planning conditions and/or legal agreement, relating to access arrangements, stacking heights and hours of working as well as the normal planning criteria of noise, emissions, smell, design and site layout.

Policy EM12: Planning permission will not be given except in the most exceptional circumstances, for the use of land or buildings which:

- (i) requires licensing under the Nuclear Installations Act 1965;
- (ii) requires licensing under the Explosives Act 1975; or
- (iii) comes under the Notification Of Installations Handling Hazardous Substances Regulations 1982.

Policy WKEM4: 9.24 Ha of land at Joseph Noble Road, Lillyhall is allocated as a Local Employment Site subject to the retention of existing structure planning and good quality landscaping schemes being incorporated in the development proposals.

- 3 In summary, the reasons for granting planning permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, no other material considerations indicate that the decision should be made otherwise and any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 (AS AMENDED)**

Conditions to be imposed if planning permission is granted.

- 1 The development hereby permitted shall not be commenced after the expiry of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall not be carried out other than in accordance with the terms of and plans accompanying the application unless otherwise given prior approval in writing by the Local Planning Authority.

Reason: To define the terms of the permission.

- 3 No radioactively contaminated material shall be deposited, treated or processed other than within the buildings subject to this permission. This condition shall not operate to prevent the storage of contaminated materials awaiting processing in secure containers outside the building.

Reason: To minimise the risk of any accident or hazard arising so as to give rise to radioactive particle emissions in accordance with the principle derived from Policy 4 of the Cumbria Minerals And Waste Local Plan 1996 – 2006.

- 4 The development hereby permitted shall not be commenced prior to the submission to and approval in writing by the Local Planning Authority of details of the, design and finishing materials for the fencing, building extension and gatehouse. The development shall thereafter only be carried out in accordance with those approved details.

Reason: To safeguard the visual amenity of the area in accordance with the requirements of Policy 52 of the Cumbria Minerals And Waste Local Plan 1996 – 2006 with regard to materials reclamation facilities that there should be no adverse impact arising on surrounding landuses.

- 5 The development hereby permitted shall not be commenced prior to the submission to and approval by the Local Planning Authority of separate schemes for monitoring and control of noise generated by operation of the site and for monitoring of emissions to atmosphere from the operation of the development. The results of such monitoring shall be made available to the Local Planning authority on request and and remediation required carried out in accordance with the requirements of the Local Planning Authority.

Reason: In accordance with Policy 2 and Policy 4 of the Cumbria Minerals and Waste Local Plan 1996 – 2006

- 6 The development hereby permitted shall not be carried out prior to the submission to and approval in writing by the Local Planning Authority of a scheme for additional tree and shrub planting for the site. The scheme submitted for approval shall include details of the species, numbers, type and planting density for the tree and shrub planting. And the approved scheme shall thereafter only be implemented in accordance with the approved details within one planting season of commencement of operation of the development.

Reason: To safeguard the visual amenity of the area in accordance with the requirements of Policy 52 of the Cumbria Minerals And Waste Local Plan 1996 – 2006 with regard to materials reclamation facilities that there should be no adverse impact arising on surrounding landuses.

- 7 All trees or shrubs planted in accordance with the requirements of this permission shall be maintained for a period of five years from the date completion of all planting. Within this period any tree or shrub which dies, becomes seriously diseased or is seriously damaged shall be replaced with a tree or shrub of the same size and species as that originally required to be planted, unless otherwise previously approved in writing by the Local Planning Authority.

Reason: To secure the maintenance of the planting to safeguard the visual amenity of the area.