



DEVELOPMENT CONTROL COMMITTEE

16 MARCH 2010

REPORT BY CHIEF PLANNING OFFICER

Subject:	Landfill of Low Level Radioactive Waste in Phases 4B, 5A and 5B of currently permitted hazardous waste landfill at the East Northamptonshire Resource Management Facility, Stamford Road, King's Cliffe, Northamptonshire, PE8 6XX. NCC Ref: 09/00053/WAS District Council Ref: EN/09/01269/NCC
Applicant:	Augean PLC.
Recommendations:	Subject to the completion of a Section 106 Agreement to secure a fund for local community benefits, the application be approved subject to the conditions in Appendix A.

1 Purpose of Report

- 1.1 The purpose of this report is to provide the Committee with professional planning advice on any issues, Development Plan Policies and other material considerations relevant to the determination of a planning application.

2 Relevant Corporate Outcome and Corporate Priority

- A cleaner, greener and more prosperous county.

3 Background

- 3.1 The East Northamptonshire Resource Management Facility (RMF) is located within the north east of Northamptonshire, approximately 6 km to the south of Stamford. It lies approximately 2.5 km to the north of the village of King's Cliffe. The properties in the immediate vicinity of the site are Westhay Cottages, a terrace of three dwellings, and West Hay Farm (and its associated agricultural and commercial buildings, from which a haulage business operates). These properties are all to the east of the site boundary to the far side of the access road. The only other property in the vicinity is Westhay Lodge which lies approximately 0.8 km to the south. The closest village is Duddington, approximately 1.5 km to the west. RAF Wittering lies approximately 2 km to the north west of the site.
- 3.2 The site lies within an area of relatively level to gently undulating land at an elevation of approximately 80 metres Above Ordnance Datum (AOD).

- 3.3 Part of Collyweston Great Woods to the north of the site is designated as a Site of Special Scientific Interest (SSSI) and a National Nature Reserve (NNR). The woodland is also designated as Ancient Woodland.
- 3.4 The geology of the site consists of clay strata to a depth of approximately 11.5 metres, underlain by Jurassic Limestone. These limestone strata are defined as a major aquifer by the Environment Agency.
- 3.5 Access to the site is gained from the primary road network, via the A47, which lies approximately 1 km to the north of the site via Stamford Road. This is an unclassified road linking the A47 to the village of King's Cliffe, passing along the eastern boundary of the site. The stretch of Stamford Road between the site entrance and the A47 has recently been improved and resurfaced. This is the access route used for the previous and current land filling operations on site. Signs are clearly posted for drivers to head for the A47 when leaving the site and not to go through the village of King's Cliffe.

Site History

- 3.6 Planning permission for silica clay extraction was first granted in the 1950's and there were several subsequent planning permissions for further clay extraction and for infilling the extracted areas with inert waste materials. In 1997 the old silica clay mineral permissions were subject to a planning application for modern planning conditions and these were approved. In 1998 (EN/88/833C) an application to deposit wastes, including hazardous wastes at the site was refused on grounds relating to landscape and amenity impact and no overriding need. This refusal was subject to a planning appeal which was originally dismissed by the Planning Inspector, but this decision was quashed following an appeal to the High Court.
- 3.7 The legal grounds upon which the Inspector's decision was quashed were fundamental to the principle of the development and when a further planning application was submitted for a smaller site with reduced capacity, the County Council Development Control Sub-Committee approved the application (EN/99/844C). Subsequent to this decision further permissions were granted to enable asbestos to be tipped at the site (EN/02/166C) and for soil storage (EN/02/78C) on land to the west of the landfill area. Permission was also granted for a material recycling facility at the site (EN/00/883C) although this did not include recycling of hazardous wastes.
- 3.8 The operating company was originally Atlantic Waste Ltd, trading as Wastego, and there were issues which emerged relating to the discharge of planning conditions and the way the site was being managed. These matters were dealt with by the County Council and the Environment Agency and in the midst of this the site was sold to Augean Plc. Following discussions with the new owners of the site a revised application and Environmental Impact Assessment was put forward under section 73a of the 1990 Town and Country Planning Act to deal with the planning issues which had emerged. This application to regularise the ongoing operations on the site was subsequently approved on 3 July 2006 (EN/05/1264C). This consent superseded all previous planning permissions. The site now takes hazardous waste only and there have not been any significant planning issues with the operation of the site by Augean Plc.

- 3.9 On 19 September 2006 planning permission (EN/06/01517/CRA) was granted for the installation and operation of a gas flare and a surface water pumping station in an area to the north west of the application site. On 10 January 2008 planning permission was granted for the installation and operation of a soil water treatment facility to process contaminated soils (07/00048/WAS and 07/081838/NCC).
- 3.10 A local liaison group was established throughout the time that Auegan Plc has operated the site. This group normally meets twice a year and includes representatives of King's Cliffe Parish Council and other nearby parish councils, as well as the operator, and officers from the County Council, East Northamptonshire District Council, the Environment Agency, and the local county councillor.

4 The Proposal

- 4.1 The planning application (which is accompanied by an Environmental Statement) comprises the disposal of Low Level Radioactive Waste (LLW) at East Northants RMF. LLW would therefore be in addition to the hazardous waste already permitted for disposal at the site.
- 4.2 The LLW waste which would be deposited at the site would typically comprise construction and demolition waste (such as rubble, soils, crushed concrete, bricks and metals) from the decommissioning of nuclear power plant buildings and infrastructure, lightly contaminated miscellaneous wastes from maintenance and monitoring at nuclear facilities (such as plastic and metal and wastes from manufacturing activities), science and research facilities and hospitals where radioactive materials are used.
- 4.3 LLW is waste that contains very small amounts of radioactivity. LLW is characterised as radioactive waste having a radioactive content not exceeding 4,000 Becquerel's per gram (Bq/g) of alpha or 12,000 Bq/g of beta or gamma activity. LLW includes a subset of material referred to as Very Low Level Radioactive Waste (VLLW). It is proposed that the waste which would be deposited at the East Northants RMF would be limited to that which has a level of radioactivity up to 200 Bq/g which is well towards the lower end of the range of radioactivity in the low level category.
- 4.4 The proposed development would not change the rate or volume of waste which can be deposited at the site (up to 250,000 tonnes per annum). There would be no change to the permitted vehicle movements or noise generating activities associated with the importation or land filling of LLW at the site. The site will be capped and restored progressively in accordance with the conditions of the current planning permission and the current Environmental Permit. There is no proposed change to the consented operational lifetime of the site. Landfill operations at the site which require these to cease and the site be restored, by 31st August 2013, in accordance with the existing planning conditions.
- 4.5 The proposed development occupies an area of approximately 6.07 hectares in the south eastern corner of the landfill site, with the deposit of LLW proposed in Phases (also referred to as Cells) 4B, 5A and 5B, which are the last three phases of the current hazardous waste landfill operations. Phases 1, 2 and 3 and 4A of the landfill site are complete and land filling has recently been commenced in Phase 4B.

- 4.6 The proposed development would use the current highway access to the site from Stamford Road. The access road enters the reception area adjacent to and south east of the landfill. All wastes delivered to the site would be transported in accordance with the regulations addressing the safe transportation of radioactive waste.
- 4.7 The disposal of LLW at the site would not change the footprint of the landfill site, the restoration profile, or restoration proposals for the site. The engineered containment, the leachate and gas management infrastructure of the landfill, and the surface water management scheme would not change as a result of the acceptance of LLW.
- 4.8 Pollution control is the regulatory responsibility of the Environment Agency. The existing hazardous waste disposal is subject to the controls under an Environmental Permit issued by the Environment Agency. The disposal of Low Level Radioactive Waste would require an Authorisation to be issued by the Environment Agency under the Radioactive Substances Act 1993. A site wide radiochemical monitoring scheme would be prepared and would be subject to approval by the Environment Agency and the Health Protection Agency. The Health Protection Agency would carry out independent assessment and monitoring of the LLW disposal activities at the site. Radiochemical monitoring of the site leachate, gas emissions, surface water, groundwater and dust monitoring would be carried out in accordance with a scheme that would be agreed with the Environment Agency as part of any Authorisation which may be issued.
- 4.9 The monitoring scheme would include regular reassurance monitoring of working areas for surface contamination such as wheel wash, traffic routes, site access, and site offices. As part of the Authorisation for the site emergency procedures would be prepared and agreed with the regulatory authorities.
- 4.10 Detailed procedures including for waste pre-acceptance checks, waste acceptance checks and quarantine arrangements for unacceptable waste that may be delivered to the site would be specified in accordance with a radiation protection plan for the site. This would be established in accordance with the Authorisation in order to meet the requirements of the Ionising Radiation Regulations.
- 4.11 The whole of the landfill area is the subject of the Environmental Permit issued by the Environment Agency. The management and engineering controls which are specified in the Environmental Permit will continue at the site following the cessation of waste acceptance and restoration. In accordance with the legislation the Environmental Permit will remain in place until, in the opinion of the Environment Agency the site no longer represents a potential risk to the environment. In accordance with the Environmental Permit the site is the subject of Financial Provision which is a bond provided by the operator for use in the event that the company no longer exists.
- 4.12 The application is accompanied by an Environmental Statement under the Environmental Impact Regulation 1998. A non-technical summary of the EIA is attached at Appendix B to this report. Comments have been added to the non-technical summary on the approach taken to examine the effects upon: people; ecology; water resources; air quality; transport; cumulative impacts; and conclusions.

5 Consultations

5.1 The following is a brief resume of the consultation responses. Copies of the full responses are available to be viewed by committee members from the Committee Administrator.

Corby Borough Council

5.2 Corby Borough Council objects to the land fill disposal of radioactive waste at the East Northants Resource Management Facility and is very disappointed that, as a neighbouring Local Authority with significant transport routes to service the site, it was not formally consulted over the application. However, based on the information submitted, raises no planning objection to the application.

East Northamptonshire Council

5.3 Wishes to make a strong objection to the proposal for the following reasons:

- Level of lorry movements.
- Capacity of the site to deal with the waste.
- There are schools and a leisure complex next to the site.
- Waste should be controlled by the appropriate body and Augean should not self monitor.
- Concerns over the possible effects of leaching of the waste – what happens after 500 years.
- This will set a precedent if approved.
- The waste should be left where it is if such low level.
- Issues in Corby in relation to lack of proper disposal of hazardous waste are only now coming to a head.
- Nuclear waste is not the same as toxic waste.
- The type of radioactive waste is the key issue, not the amount.
- It is not clear what chemical reactions will result from the decomposition of the waste.
- The effect of heating and cooling may well impact upon the potential for leaching from the site.
- There is potential for chemical reactions between toxic and nuclear waste.
- Concern over the ability of terrorists to extract the waste and use the materials in the future – if it were to become transformed.
- Potential for natural causes to result in a breach of the containment in the pits either by the geological impacts or animal activity.
- There is a need for further research.
- The waste could be converted into a form that we haven't yet experience in our lifetime.
- Nuclear waste is normally disposed of in a salt mine or granite formation.
- Are the risk assessments adequate – who carried them out.
- Potential harm from other contaminants.
- Future viability of the company – what happens after 2013?
- Lack of material technical evidence to support approval of the application.
- We are dealing with known unknowns.
- We don't know what will be going into the pits and then type of radiation.
- There is a significant risk of harm to the community that cannot currently be quantified. In the circumstances there is the potential for significant risk to the public.

- No political or legal system has ever survived the expected lifetime of this waste.

Rutland County Council

- 5.4 Did not object to the application but raised the following ongoing concerns: whether the principle of this development can be established having regard to the Development Plan and other material planning considerations given that policy is only just emerging; the long term security arrangements for the site; and potential for an extension in the duration or area of the development or inclusion of waste with higher radioactivity levels. If permission is granted conditions or agreements controlling the following should be considered:
- A planning condition or section 106 Agreement to control traffic routing.
 - Continuous perimeter fencing of the site.
 - A right to attend the local liaison group to include Ketton Ward Councillors and Tixover, Barrowden and Ketton Parishes.
 - Any community fund established to be defined by distance from the site and not be restricted by the county boundary.
 - Imposition of appropriate conditions to control or mitigate potential environmental impact.
 - Consideration be given to defining a catchment area for waste that reflects sustainability criteria.
 - Rutland County Council be consulted on future applications.
 - Security fences around the site be maintained in perpetuity.

Peterborough City Council

- 5.5 Objects to the proposal with the following concerns:
- Level of security on the site.
 - Environmental effects of land filling LLW on the surrounding area and how the site will continue to be monitored after 2013.
 - Robustness of containers housing the waste.
 - Potential leakage of LLW resulting in contamination of local water courses.
 - Possible contamination of water supply.
 - Location of the site at the top of a large hill, whether this was likely to cause additional problems in ensuring that the waste was adequately contained and there was no seepage into the surrounding area.
 - Wider impact of the proposal and that a precedent was being set for the future
 - Public safety.
 - Lack of information about the possibility of disposing of LLW waste by alternative means and whether land filling at a site operated by a private operator was chosen as the cheapest option.
 - Proposal is premature as government policy on the disposal of low level waste has still not been decided.
 - Lack of public consultation.

King's Cliffe Parish Council

- 5.6 King's Cliffe Parish Council wishes to make the following strong objections to the application:
- Suitability of the site
 - Site is too small and not suitable to receive this type of waste

- Transportation
 - Why is material being moved here?
 - Concerned that the waste will not be carried in secure containers.
 - No contingency to deal with spillage.
 - How will waste water to clean vehicles be processed?

- Monitoring of Radiation
 - Environment Agency has no experience in monitoring radioactive sites.
 - Environment Agency should not rely on the applicant to advise them of the level of radioactivity of the waste.
 - Health Protection Agency should carry out a survey of the background radiation levels within the Parish.

- Level of Radiation – The Environment Agency appear to be saying that they cannot verify the level of forecast increase in radiation levels. We believe that it would be vital for a Government body independently assessed the reasonableness of the modelling undertaken by the applicant.

- Sequential Test - Consideration should be given to whether this is the most appropriate site in relation to the location of the sources of the waste.

- Long Term Management of the site. We are concerned at what will happen when the site is closed. Who will continue to monitor the site after its closure and what would happen if the limited company who owns it was wound up? We need to clearly understand how the site will be monitored over the coming decades and beyond.

- Precedence- We are concerned that the granting of permission would result in the applicant applying for further permissions at a future date which would result in a higher level of contaminated material being deposited at the site.

- School.
 - There are schools within 2 miles of the site both of which serve the surrounding communities. We cannot risk exposing our children to increased levels of radiation and potentially increased risk.
 - The Council should consider the consequences of the case in Corby where children have been born with deformities – this is currently subject to a high court case.

- Compensation - In Corby the case relating to the effects of waste disposal is now resulting in a significant claim against the council. We believe that the County Council should be prepared to underwrite any such future claims arising out of any possible decision they make in relation to approving this proposed activity.

Nassington Parish Council

- 5.7 Object to the planning application on the basis that the Council is unsure of the long term outcomes of such action and concerned about ongoing independent monitoring of the site.

Collyweston Parish Council

- 5.8 Collyweston Parish Council has no objections to the proposal.

Yarwell Parish Council

5.9 Yarwell Parish Council is opposed to any disposal of radioactive waste at this site.

Duddington Parish Council

5.10 Made no response to the consultation on the proposal.

Easton on the Hill Parish Council

5.11 Have no comments to make about this application.

Wansford Parish Council

5.12 Is opposed to granting of permission, especially as alternative arrangements, which would obviate the necessity of taking the waste to King's Cliffe, are currently under review.

Apethorpe Village Meeting

5.13 Object to the application on grounds that:

- Proper consultation procedures have not been followed; the proposals and practices are totally unproven and there are risks from this development which could cause local contamination of the surrounding area.
- The disposal proposals are different at Drigg in Cumbria and in France and the proposal to put waste in double skinned bags has no evidence to support it being a safe procedure.
- Risk of contamination of water courses.
- There is potential danger to human and animal health since there is no generally accepted safe level for radioactive emissions.
- There are no proposals for ongoing monitoring of the local community by a public agency and an issue developed in Corby related to toxic waste at Corby Steelworks.
- The disposal and safe keeping of low level radioactive waste should be the function of a public body in the UK nuclear industry rather than a private operator.
- The transportation and vehicular activity will increase in this rural area with toxic wastes being carried far from the sources of the materials and with inherent dangers of contamination.
- The County council should protect the environment and local communities in the short and long term and reject the application.

Woodnewton Parish Council

5.14 Expressed grave concerns over some aspects of the proposal. The application is based on assumptions that the site is well engineered and fit for purpose, and that the surrounding monitoring boreholes are suitable and adequate. Both of these areas of concern should be checked by an independent firm of consulting engineers.

Tixover Parish Meeting

5.15 After a presentation by the applicant and discussions with Environment Agency officers the Meeting concluded that, provided the procedures for monitoring are undertaken there is no objection to the application. The Meeting would like some form of liaison group and the site to close as planned in 2013.

Barrowden Parish Council

5.16 Held a public meeting and received a presentation by the applicant and most of the members of Barrowden community felt resigned to the presentation. However, a number of questions were raised which needed answering including:

- Why this site had been chosen and not somewhere else in the south of the country.
- What risk assessments are in place for possible accidents involving vehicles transporting the waste.
- What safeguards are there that radioactivity would not increase in the future and be a problem for future generations.

Highways Agency

5.17 The Highways Agency has no objection to the proposal.

Highway Authority

5.18 The Highway Authority has no objection to the proposal.

Environment Agency

5.19 Raise no objections with the proposal.

Northamptonshire Teaching Primary Care Trust (PCT)

5.20 Has received comments from the Health Protection Agency (HPA) which looks at such developments for the PCT and has no further comments to add to the HPA assessment as long as the developer complies with the HPA published guidelines on Radiological Protection Objectives for the land based disposal of solid radioactive waste.

Health Protection Agency (HPA)

5.21 HPA has advised that they have been commissioned by the applicant to provide radiation protection advice in respect of protection of employees and other person from work. However the HPA have not assisted in the planning application, and are not responsible for assessing the application against radiological protection objectives.

Health and Safety Executive (HSE)

5.22 HSE has no comments on the environmental statement.

The Nuclear Decommissioning Authority (NDA)

5.23 The NDA has made a detailed response on general policy issues relating to the application. In summary the NDA has stated that the use of alternative disposal sites for the management of VLLW and LLW provide an opportunity to respond to this national need in a proportionate and responsible way. The NDA expects that a high standard of waste management in the handling of this material will be met by a well operated landfill site regulated by the Environment Agency, which will ensure protection of people and the environment and provide the confidence needed.

The Countryside Agency

5.24 The Countryside Agency makes no comment to the proposal.

Natural England

5.25 Has no objection to the application.

Ministry of Defence

5.26 Has no objection to this proposal.

6 Public Advertisement and Neighbour Notification

- 6.1 Full publicity has been given to the planning application in the normal way through the placing of statutory newspaper advertisements, the posting of the site notice and the delivery of 'neighbour' letters to nearby properties.
- 6.2 Approximately 175 representations have been received. The majority of the responses received voiced objections and concerns however several letters of support were also received. A range of concerns have been raised by objectors and these are summarised below. Copies of the full representations are available to be viewed by committee members from the Committee Administrator.

Summary of objections

A summary of objections is set out below:

- The site is unsuitable for the disposal of radioactive waste as it is in an area with higher than average levels of radon.
- This development could affect the health of the local people. Radiation can be breathed in or ingested via food and water.
- Auger has no experience in the disposal of nuclear waste and has had problems running the existing site.
- The application is premature as national consultation processes regarding decommissioning of nuclear power stations is still ongoing.
- It is inappropriate for a small site with a limited life to be used to dispose of this waste.
- Risk of release from road accidents and during the offloading process is of concern.
- No contingency plans exist to deal with any spillage.
- There should be independent monitoring of the handling of the material as it arrives on site, through to disposal, and after the site is closed.
- There is concern regarding how vehicles will be decontaminated before leaving the site.
- A Government body should independently assess the reasonableness of the modelling undertaken by the applicant.
- Consideration should be given to whether this is the most appropriate site in relation to the location of the sources of the waste material.
- The granting of permission would result in further permissions at a future date which could result in a higher level of contaminated material being deposited at the site.
- There are 2 schools within 2 miles of this site and we cannot risk exposing children to increased levels of radiation.
- The case in Corby is now resulting in a significant claim Council should be prepared to underwrite any such future claims arising out of any possible decision they make in relation to approving this proposed activity.
- Not in accordance with the proximity principle as the site is far from any existing nuclear installation.
- Impact on local wildlife and environment through contamination of vegetation and water.
- Lack of a proper consultation.

- This will be the thin end of the wedge, and that if the Council gives its permission we will soon see more dumps.
- The King's Cliffe landfill site overlies a major aquifer; the Lincolnshire limestone. This is the same aquifer from which a large proportion of Peterborough's drinking water is drawn.
- This is the first time in this country that a private landfill site has been used in this way for the disposal of low level radioactive waste. Therefore there is no history, experience or long term testing that this is a safe procedure.
- Concern that putting radioactive waste in double skinned bags directly into the soil will compromise public safety as there is very little evidence that this is a safe procedure in the long term.
- There is no need for a radioactive facility.
- The long term effects of radiation to the surrounding areas cannot be predicted.
- There is concern in relation to the reaction of the radioactive waste with the hazardous waste already being stored in the landfill site.
- There are no emergency procedures in place if there is an accident.
- There are concerns about the level of security on the site now, when disposal of LLW is taking place, and in the longer term.
- The site could be a target for terrorist attacks.
- The site is subject to flooding rendering it unsafe for the type of waste disposal.
- The covering and capping material and engineering is inadequate.

7 Development Plan Policies

7.1 The Development Plan policies considered particularly relevant to the determination of the planning application are listed below:

Northamptonshire Waste Local Plan

Policy 1	Principles for Waste Development
Policy 2	Location of Waste Development
Policy 8	Traffic and Access
Policy 9	Natural and Historic Environment- Local Landscape Character
Policy 10	Natural and Historic Environment- National and International Designations and Protected Species
Policy 11	Natural and Historic Environment-Local Designations
Policy 13	Water Resources and Flooding
Policy 15	Local Amenity
Policy 16	Restoration, Aftercare and After-Use
Policy 22	Landfill/Landraising
Policy 26	Planning Obligations and Agreements

East Northamptonshire Local Plan Saved Policies

Policy EN8	Protection of SSSIs, NNRs and LNRs
Policy EN9	Safeguarding sites of local conservation interest

North Northamptonshire Core Spatial Strategy

Policy 13	General Sustainable Development Principles
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8 Assessment

8.1 Having regard to consultation responses, local community representations and the Development Plan policies the main considerations in the assessment of this planning application are:

- i. Whether the proposal accords with the Development Plan;
- ii. The local, regional and national need for the facility;
- iii. Minimising the transportation of waste;
- iv. Risks to health and safety of the local community;
- v. Perception of harm as a result of the proposed development;
- vi. Highway, environmental or amenity Impacts;
- vii. Ability of the applicant to effectively control, monitor and manage the operation of the site; and
- viii. Planning obligations and agreements.

i) Development Plan

8.1 There are no Development Plan policies relating specifically to the management of Low Level Radioactive Waste, although there are other general waste management policies which would apply to the planning application.

8.2 **Northamptonshire Waste Local Plan (May 2006):** The site is identified in the Waste Local Plan as an existing landfill site and its capacity has been included in the capacity requirements to meet Northamptonshire's landfill disposal needs until 2016. The site is an existing operation and a planning permission exists for hazardous waste disposal. There is no policy in this plan relating to the principle of the management of Low Level Radioactive Waste (LLW) because Northamptonshire is not a significant producer of these types of waste materials.

8.3 Nevertheless, Policy 1 of the Waste Local Plan deals with the Principles for Waste Development which is based around sustainable development. Policy 1 establishes seven criteria by which to measure the appropriateness of waste development:

- *“a clearly established need for the development to serve local and regional requirements for the management and disposal of waste;*
- *reduction in reliance on land filling;*
- *the minimisation of, and balance in, the movement of waste across waste planning authority boundaries, except where the development involves specialised provision and is consistent with regional self-sufficiency;*
- *minimising the transportation of waste from its source;*
- *the Best Practicable Environmental Option for the waste stream;*
- *the integration of waste management facilities; and*

- *the minimisation of harm to the environment, human health, natural resources, local amenity and highway safety.*”

- 8.4 The assessment against Policy 1 of the need for this facility, and of the objective of minimising the transportation of waste from its source are addressed in sections (ii) and (iii) of this report. The site is an existing hazardous waste landfill and therefore the proposed development would integrate with this current waste management facility, thus meeting this aspect of Policy 1. The impacts relating to the harm to health, environment, amenity and highway safety are considered in subsequent sections (iv), (v) and (vi) of this report.
- 8.5 Waste Local Plan Policy 2 supports the development of waste management facilities at existing Main Sites; the existing hazardous waste landfill site is identified as one of these sites.
- 8.6 **East Northamptonshire District Local Plan (November 1996) (Saved Policies)**. The aim of policies EN8 and EN9 amongst other things is to protect SSSIs and sites of local conservation interest. English Nature has considered the mitigation to be adequate if implemented to protect the flora and fauna. Policy 10 of the Waste local Plan has similar objectives to these saved policies.
- 8.7 **North Northamptonshire Core Spatial Strategy (June 2009)**. Policy 13 of this document is an overarching policy covering sustainable development. In respect of protecting assets the policy aims to ensure that development should not result in an unacceptable impact on the amenities of neighbouring properties or the wider area.

Other Material Policy and Guidance Considerations

- 8.8 **The Northamptonshire Minerals and Waste Development Framework Core Strategy (MWDF)**. This document was subject to its examination in public in April and October 2009. This document did not address the issue of low level radioactive waste management. The East Midlands Regional Plan (March 2009), similarly, did not address LLW management. In circumstances where there is an absence of Development Plan policy, it is necessary to have regard to any national planning policy relating to LLW, or any other national policy, planning guidance or other documents which would be regarded as other material planning considerations.

PPS 10: Planning Policy Statement 10 Planning for Sustainable Waste Management (July 2005)

- 8.9 PPS10 provides national planning policies to be applied to waste management proposals and these will be referred to as appropriate throughout this assessment.

PPS23 Planning and Pollution Control (2004)

- 8.10 PPS23 provides national planning policies to be applied to development proposals, including waste management, and these will be referred to as appropriate throughout this assessment.

Policy for the Long Term Management of Solid Low level Radioactive Waste in the United Kingdom (March 2007);

8.11 This policy was developed by the Department for Environment, Food and Rural Affairs (DEFRA), Department of Trade and Industry (DTI), Welsh Assembly and Scottish Executive. It is the relevant Central Government Policy document relating to LLW. This document does deal with the 'role of the planning system in LLW management.' The March 2007 policy document is therefore a material planning consideration which should carry significant weight in the decision.

8.12 The 2007 Policy states (at paragraph 19):

“Preparation of plans for the management of LLW must be based on an assessment of all practicable options for its long term management. Any implementation of options under this policy will be subject to a satisfactory risk assessment and optimisation study, as required by relevant regulatory bodies. Government believes that disposal to an appropriately engineered facility, either below or above ground; with no intent to retrieve should be the end point for LLW that remains following the application of the waste hierarchy. This position is held on the basis that new disposal facilities will be of sufficiently robust design such that risks to the public in the future will be within the post-closure risk target, and therefore that postponing final disposal to future generations is unjustified. With regard to LLW and VLLW disposal to landfill, Government sees no reason to preclude controlled burial of radioactive waste from nuclear sites from the list of options to be considered in any options’ assessment, provided the necessary safety assessments can be carried out to the satisfaction of the environmental regulators.”

8.13 The 2007 Central Government Policy document therefore makes it clear that the disposal of solid low level radioactive waste (LLW) to an appropriately engineered facility, either above or below ground, is an appropriate end point for LLW and that these new disposal facilities will be of a sufficiently robust design such that risks to the public will be acceptable. It also states that postponing final disposal to future generations is unjustified.

Waste Strategy for England 2007.

8.14 This strategy document sets out Central Government aims and objectives relating to the management of wastes, and therefore is a material consideration which will be referred to as considered appropriate.

UK Strategy for the Management of Solid Low Level Radioactive Waste from the Nuclear Industry, Consultation Document (June 2009).

8.15 This strategy document which has reached a consultation stage was one of the requirements set out within the Policy for the Long Term Management of Solid Low Level Radioactive Waste in the United Kingdom (March 2007) document, which was to 'develop a UK nuclear LLW strategy'.

8.16 The consultation draft asks a series of questions related to the Government's 2007 policy for the management of LLW. As this is not an adopted strategy limited weight can be given to this document, although it will be referred to in this report.

8.17 A number of objections have been made that the application is premature because the above UK strategy document is still not yet adopted (The strategy document was out to consultation and whilst this has been completed a final document has not yet been back to Ministers for agreement). Annex 1: Supplementary Notes to the 2007 Central Government Policy (paragraph 31), which deals with nuclear industry waste, states that:

“For the national, regional or local facilities of the kind likely to be required by the NDA for the management of nuclear industry waste, Government considers that a clear statement of Government policy is needed to support the planning process. This would be taken into account in both the preparation of national, regional and local plans and the determination of planning applications. In practice, this will be provided by Ministers’ assessment and agreement of the NDA’s Strategy and Annual Plans, preparation of which will be subject to the NDA’s own process of public and stakeholder engagement”.

8.18 The Annex suggests that there may be further Government guidance including for the planning process. However, the landfill disposal of LLW is clearly in accordance with the 2007 Government Policy (see paragraph 8.10 above). Any further guidance, and the awaited NDA's Strategy, will not rewrite the 2007 Government policy, but will assist with its interpretation and implementation.

8.19 The Central Government planning advice on the issue of 'Prematurity' is contained in The Planning System: General Principles (issued by the Office of the Deputy Prime Minister) (ODPM) 2005, which states that refusal of planning permission on prematurity grounds will not usually be justified. This may be appropriate where 'a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the Development Plan Document (DPD'. In this case the site is an identified existing 'Main Site' in the Waste Local Plan 2006 and it accepts hazardous waste. Neither, the existing adopted Waste Local Plan, or the emerging MWDF Core Strategy, address LLW waste management and this emerging document has recently completed its Examination in Public and is close to being considered for adoption. The planning application was submitted in August 2009 before the Examination in Public was completed in early October 2009 and the Planning Inspector was aware of this. The 2007 Government Policy document on LLW dates from March 2007 and is a material planning consideration in the absence of any specific Development Plan policy. The application is consistent with the 2007 Government Policy and any future Development Plan policy relating to LLW would be required to be consistent with Government Policy. It is therefore considered that it could not be reasonably argued that the planning application is prejudicial to the DPD, and therefore prematurity would not be a justifiable reason for refusal.

ii) The local, regional and national need for the facility

8.20 Solid radioactive wastes have been produced, stored and disposed of by various industries in the UK since the 1920s. The main sources of waste generation since the 1950s have been nuclear energy development, nuclear power generation and the weapons industry. There are hundreds of non-nuclear industry users of radioactive

materials that produce radioactive wastes such as universities, hospitals, the pharmaceutical industry, research establishments and the oil and gas industry. There are a limited number of producers of substantial volumes of (LLW) in the UK together with a large number of producers of small volumes of these types of waste. The waste producers generally are divided into the nuclear industry (NI) and the non-nuclear industry (NNI). Society in general has therefore benefited for many years from the use of radioactive materials and must recognise that there is a need to deal with the resultant wastes.

- 8.21 Locally in Northamptonshire radioactive waste will be in relatively small quantities from sources such as hospitals, universities and businesses and there are no major producers from the nuclear or non-nuclear industry. From an East Midlands Regional perspective the sources of radioactive waste is generally similar although there are Defence facilities at Donnington and Derby which deal with radioactive material. The need case for a new facility for the deposit of LLW is therefore based on the national shortage of such facilities as recognised in the 2007 Government Policy. The site is already operating as a hazardous waste facility on a national basis, given that this is the only site which can take a wide range of hazardous waste materials in the south of the UK. On this basis the need for the facility from a national perspective is material to the determination of this application.
- 8.22 The Nuclear Decommissioning Authority (NDA) has responsibility for the continuing operation, decommissioning and remediation of 20 nuclear sites. The sites include Sellafield, Springfields in Lancashire, Capenhurst in Cheshire (which is being decommissioned), and eleven nuclear power station sites operated by Magnox (of which nine are no longer operational and are being decommissioned). (A plan produced by the applicant which shows the locations of the majority of facilities which produce the majority of radioactive waste is attached at Appendix C. The NDA was set up to provide a UK-wide strategic approach to the decommissioning of nuclear facilities. In the 2007 Government Policy for the Long Term Management of Radioactive Waste in the United Kingdom reference is made to the obligation of the NDA under the Energy Act 2004 to formulate and publish plans for LLW management and disposal. It is estimated that NDA sites generate approximately 80% of all LLW from the nuclear industry.
- 8.23 Since 1959 most of the solid LLW generated in the UK has been transported to the near-surface disposal facility known as the Low Level Waste Repository (LLWR), near the village of Drigg in Cumbria. Between 1959 and 1995 approximately 800,000m³ of waste was deposited in a series of clay-lined trenches and covered with soil. Since 1988 most waste has been packaged in large mild steel International Organisation for Standardisation (ISO) freight containers and placed in an engineered concrete vault known as Vault 8. Vault 8 reached full capacity at the end of 2008.
- 8.24 A planning application for the construction of Vault 9 was submitted on 29 June 2007 with planning consent granted by the Cumbria County Council as Waste Planning Authority on 22 January 2008. The construction of Vault 9 commenced during the summer of 2008 and will provide approximately 100,000m³ of void.
- 8.25 The LLWR at Drigg does not have the capacity to meet future national LLW needs. In the consultation draft of the NDA LLW Strategy (June 2009), it is stated that it is necessary that the useful lifetime of LLWR is extended by using other disposal routes

for waste at the lower end of the LLW activity range. The LLWR is engineered to provide containment of the full activity spectrum of LLW, which can go up to a radioactive content not exceeding 4000 (Bq/g) of alpha or 12,000 Bq/g of beta or gamma activity. This is above that proposed by Auegan which would be limited to a level of radioactivity up to 200Bq/g, being well towards the lower end of the range of radioactivity in the LLW category.

- 8.26 The decommissioning and clean-up of nuclear sites will create large amounts of lightly contaminated soil and building rubble. Much of this material has small amounts of radioactivity and does not need the level of disposal engineering provided by LLWR. The diversion of VLLW and suitable LLW away from the LLWR is a key principle of the draft NDA 2009 LLW Strategy.
- 8.27 Currently the only other route for disposal of LLW is at the commercial landfill site at Clifton Marsh in Lancashire. The site accepts domestic, commercial and industrial waste as well as quantities of VLLW and some LLW. The site currently accepts VLLW and LLW from the Capenhurst and Springfields nuclear fuel fabrication and uranium enrichment sites. Wastes with up to 100Bq/g of alpha activity are permitted for disposal at the site. The site currently has planning permission for operations up to 2012. Proposals are being developed for an application for permission to dispose of VLLW at a commercially operated non-hazardous waste landfill at Lillyhall near Workington in Cumbria. At the time of submission of this application by Auegan, with the exception of the LLWR and the in-house facility at Dounreay (Scotland), there were no operating or planned facilities for the disposal of LLW with levels of radioactivity up to 200Bq/g. Since the submission of the application another planning application has been submitted for the landfill disposal of LLW at an unrestored open cast coal site at Keekle Head in Cumbria.
- 8.28 The LLW that is proposed to be received at the East Northants RMF would be residual waste which the waste producer has determined cannot be subject to management measures higher up the waste hierarchy. These principles have to be applied and accepted for each LLW producers site.
- 8.29 The forecast future arisings of LLW including VLLW from the major producers for the period up to 2129 are approximately 3,000,000m³. Of this 2,600,000m³ or approximately 87% of all future arisings are from the decommissioning of existing reactors and other facilities and the remediation of contaminated ground. An estimated 1,660,000m³ (56%) of all the forecast future LLW arisings is from Sellafield, whilst other risings are from Magnox power stations (425,000m³) and Springfields (387,000m³) with smaller contributions from AGR power stations (105,000m³), Dounreay (91,000m³) and Harwell (85,800m³)¹.
- 8.30 The most significant period of LLW generation is between 2008 and 2031 and arises from decommissioning The application site only has planning permission until 31st August 2013 and therefore its contribution to the current shortage of LLW disposal facilities would be limited. Nevertheless, it would provide a facility in the short term to meet the demand for disposal of LLW as well as helping to extend the life of the LLWR

¹ (Source: The 2007 UK Radioactive Waste Inventory. Main Report. Defra and NDA. Tables 4.2 and 4.3)

at Drigg. Therefore, on the basis of national need, it is considered that the proposal is justified in need terms.

(iii) Minimising the Transportation of Wastes

8.31 Policy 1 of the Waste Local Plan 2006 seeks to minimise the transportation of waste from its source and minimise the movement of waste across waste planning authority boundaries, except where the development involves specialised provision and is consistent with regional self-sufficiency. There is no doubt that a facility LLW involves specialised provision, as does the current hazardous waste disposal at the site. The hazardous waste facility is the only one of this type within the East Midlands Region, and therefore it is consistent with regional self-sufficiency. The inclusion of LLW would also be consistent in the regional context. The reality is that the current hazardous waste facility is operating in the national context given that there are few such sites nationally, and the site would also fulfil this national role in respect of LLW; albeit that the site only has planning permission until 31st August 2013.

8.32 PPS10 Planning and Waste Management lists key planning objectives that apply to regional planning bodies and all planning authorities when preparing and delivering planning strategies. These objectives include:

“Help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.”

8.33 At paragraph 22 of Annex B of the Waste Strategy for England 2007 entitled ‘Delivery Landscape and decision making framework’ it states that:

“The objectives underlying waste management decisions should be disposing of waste at the nearest appropriate installation, by means of the most appropriate methods and technologies.”

8.34 Government policy relating to the distance which waste is transported is therefore related to the appropriateness of the installation, for receiving the waste material. The case being made by the applicant is that this existing hazardous waste landfill site is an appropriate facility and that LLW can be taken there without endangering human health and the environment. There is a national shortage of sites which can dispose of LLW and the nuclear decommissioning programme has identified the need for new facilities. The application site would provide a facility in the short term which would be the nearest appropriate installation to possible LLW sources in the south of England, in line with the 2007 Government Policy. Whilst Policy 1 of the waste Local Plan seeks to minimise the transportation of waste from its source LLW is a specialised waste stream, similar to hazardous waste, and it is therefore considered that the distance that LLW would travel to this site would not be a justified planning reason to refuse the planning application. The health and environmental impacts are dealt with this in sections (iv), (v) and (vi) of this assessment.

8.35 Policy 1 of the Waste Local Plan requires the waste stream to be dealt with in accordance with the Best Practical Environmental Option (BPEO). Before an

authorisation for the transfer of LLW from a decommissioning site can be approved by the Environment Agency the consignor must undertake a (BPEO) review of the options for the management of LLW. This BPEO review includes consideration of the disposal options for LLW that cannot be managed by means higher up the waste hierarchy including identification of the nearest appropriate installation. The proximity of the facility will be important in the decision on its appropriateness, but this would also be based on the nature of the waste and the suitability of the potential receptor sites to dispose of the waste. The option of disposing of the waste at the consignor site (i.e. the source of the material) is also part of the BPEO assessment which has to be undertaken before an authorisation for the transfer of LLW would be approved by the Environment Agency.

iv) Risks to Health and Safety of the Local Community

8.36 There have been numerous objections to the proposal on the basis of impacts on the health and safety of the local community, particularly in respect of the potential effects of radiation either immediately or at some point in the future. Waste Local Plan 2006 Policy 1 requires the development to be consistent with the minimisation of harm to the environment, human health and local amenity. PPS 23 Planning and Pollution Control states at paragraph 2 that:

“any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use.”

8.37 PPS 23 also states at paragraph 6 that ‘the Government is committed to using the precautionary principle:

“there is good reason to believe that harmful effects may occur to human, animal or plant health, or to the environment; and the level of scientific uncertainty about the consequences of likelihood of the risk is such that best available scientific advice cannot assess the risk with sufficient confidence to inform decision making.”

8.38 Appendix A to PPS 23 advises on matters for consideration in taking decisions on individual planning applications including:

“The objective perception of unacceptable risk to the health and safety of the public arising from the development.”

8.39 Paragraph 30 of PPS10 also refers to health in respect of waste management and states:

“Modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. The detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. However, planning operates in the public interest to ensure that the location of proposed development is acceptable and health can be material to such decisions.”

- 8.40 The Applicant has submitted detailed risk assessments and analysis and, has concluded that there would be no adverse health effects. The amount of radiation a person is exposed to is known as a dose and is measured in millisieverts (mSv) per year. For workers at the landfill site the legal dose limit is 20mSv/yr and the legal dose limit to the public is 1mSv/yr. The applicant has based its risk assessments on a maximum dose for its workers of 0.02mSv/yr, significantly below the legal limit for workers and that for the public. The public will not be working at the site and therefore not exposed to the very low dose levels which are being proposed and which are significantly lower than legal limits.
- 8.41 The Environmental Statement which accompanied the planning application included all the detailed risk assessments for the Authorisation Application under the Radioactive Substances Act 1993. This is being dealt with by the Environment Agency. In assessing this Authorisation application, which is required in addition to a planning permission, the Environment Agency has to be satisfied that the development could be undertaken without risk to human health and the environment. The Environment Agency confirmed that it had no objections to the planning application on pollution control grounds. Since then the Agency has reached a stage in the processing of the Authorisation application under the Radioactive Substances Act where it has issued a consultation, having assessed the Authorisation proposal, stating that it is satisfied on pollution control grounds and is intending to issue an Authorisation.
- 8.42 The Northamptonshire Teaching Primary Care Trust (PCT) was consulted on the planning application and it had no comments to make on the application as long as the development complied with the Health Protection Agency (HPA) published guidelines on Radiological Protection Objectives for the land based disposal of solid radioactive waste. The HPA provides advice to the PCT and its position is that it has published radiological protection objectives which the Authorisation application to the Environment Agency should demonstrate compliance with. There is no objection on health impact grounds from any of the appropriate consultees which have a responsibility to ensure the protection of health in the local community.
- 8.43 The County Council has commissioned an independent assessment of the radiation safety aspects of the proposal given the nature of this application and given the level of concern from some of the District and County Planning Authorities, a number of Parish Councils (including King's Cliffe) and amongst the local community regarding the health impacts issue. The review by Dr A R Denman (a Certified Radiation and Laser Protection Adviser who has considerable experience of radiation safety) concludes that the operation of the proposed radioactive waste site has been carefully worked out, has been developed with the appropriate experts, and the necessary risk assessments indicate that the site can safely be operated within current safety legislation. Primary regulatory responsibility falls to the Environment Agency, which has the authority and capability to refuse the Authorisation application if so minded, and to regularly assess the operation of the site. The full report by Dr Denman is attached at Appendix D.
- 8.44 The latest development which may be relevant to the Environment Agency's determination of the Authorisation application, and certainly is relevant to Augean as the operator of the site, relate to a European Community Treaty related to the disposal of radioactive waste. The Department of Environment and Climate Change (DECC) determined on the 19 February 2010 to adopt Article 37 of the Euratom Treaty. This

requires DECC to consult the European Commission on any plan for the disposal of radioactive waste. This process would also therefore have to be satisfactorily completed before the operator could commence LLW disposal, if planning permission is granted.

v) Perception of Harm Related to the Development

- 8.45 Notwithstanding the scientific and technical advice, some members of the local community perceive that the deposit of LLW at the site will give rise to an increase in unacceptable health risks to people who live and work in that part of the Country. This 'perception of harm' can be a material planning consideration. In assessing this, it is necessary to consider the advice in PPS23, as to what degree this can be determined to be an 'objective perception of unacceptable risk'.
- 8.46 Radiation natural occurs in the environment and the food we eat and there is a lot of research and published information relating to radiation. Research shows that risks of exposure are greater from naturally occurring radiation. Radon gas, (which exists in the geology in many parts of the country including Northamptonshire) gives an average annual exposure dose to residents in Northamptonshire of 3.6mSv/yr, compared with a national average of 2.2mSv/yr. The average dose to residents in Cornwall, a high radon area, is 7.6mSv/yr. The proposed dose in the design criteria for the site workers at the landfill site is 0.02mSv/yr. Exposure from taking a transatlantic flight, where natural radiation is in higher concentrations at higher altitudes, results in a radiation dose of between 0.02 to 0.07mSv for a 7 hour flight. People are also exposed to varying doses of radiation from medical x-rays and scans. Smoke detectors in homes contain radioactive material. These are just a few examples of the everyday or common encounters which the public has with radiation and these are briefly mentioned in this report to demonstrate the context against which the objectivity of the perception of harm from the proposed development must partly be considered.
- 8.47 For the other part, there has been detailed scrutiny of the planning application and in particular the risk assessments undertaken by the Environment Agency. In addition there are national objectives set by the HPA which have to be complied with. The HPA advice is accepted by the Northamptonshire PCT. The risk assessments have been independently scrutinised by Dr A R Denman, and the advice that he has been received is that the proposed development does not pose an unacceptable risk to human health. National Government is clearly satisfied that Low Level radioactive Waste can be safely managed through land fill in its 2007 Policy for the Long Term Management of Radioactive Waste. The objective evidence is that the deposit of Low Level Radioactive Waste at the site up to the levels of radioactivity being proposed (200Bq/gm) will not give rise to an unacceptable health risk. It is therefore considered that the perception of harm relating to this proposal to dispose of LLW at an existing hazardous waste landfill site can not be regarded as being based on 'objective' grounds and accordingly would not be a justified reason for refusal of the application.

vi) Highway, Environmental or Amenity Impacts

- 8.48 The Environmental Impact Assessment (EIA) carried out as part of the application process has addressed all the environmental impacts likely to arise from the proposed development. In all cases the Environmental Statement summarising the findings of the EIA found that there would be no significant impacts arising. However, other potential

impacts are discussed below, having regard in particular to matters raised by objectors, with a conclusion on whether or not any impact would be so significant as to warrant refusal of the application.

- 8.49 Impacts in respect of amenity in this section cover more general impacts such as noise, odour and dust rather than anything relating to health issues which are discussed in the previous section.

Highways

- 8.50 The East Northamptonshire Resource Management Facility is an existing landfill site with a valid permission to import hazardous waste until 2013. The actual amount of waste imported will not alter if this proposal is permitted, only the composition of the waste. Therefore there would be no net increase in highway movements or in the size of lorry bringing in the LLW waste. Neither the Highways Agency nor the Highways Authority has raised any objection to the proposal.
- 8.51 Concerns from residents were also raised in respect of spillages of material from Heavy Goods Vehicles if involved in an accident. The transportation of LLW is, like other hazardous materials, controlled by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 which is regulated by the Department of Transport. The transport of LLW will either be in double-bagged 'Bulk Bags', or steel drums. A minor road accident would not therefore result in spillage of radioactive material, although a bag might be distorted, or a steel drum bent. A major accident could result in the spillage from one or several containers, but as the waste is in solid form this could be swept up by trained staff promptly without significant risk to workers or the general public. The response plan for this sort of accident is statutorily regulated and has been acknowledged by Dr Denman as being acceptable.
- 8.52 Any highway impacts arising from the importation of LLW waste will be similar to those from the existing landfill operation. It is therefore not considered that there would be any significant adverse impact from the development in respect of highway matters and therefore the development is acceptable having regard to Waste Local Plan Policy 8 (Traffic and Access).

Environmental

- 8.53 The main environmental issues raised by residents have concentrated on the potential impacts on ecology and water. In respect of ecology there is concern over the impact on wildlife and vegetation. More specifically concern has been raised with regard to the impact on red kites from radiation contamination of their food chain and water source.
- 8.54 Based on the risk assessment undertaken, the applicant has claimed that the risk to the wildlife and biodiversity at and in the vicinity of the site is not significant as the estimated radiation dose to wildlife is significantly below the screening criterion at which the need for more detailed assessment should be considered.

- 8.55 It should also be noted that the risk assessments submitted as part of the Authorisation application will be scrutinised robustly by the Environment Agency and the other regulators during the Authorisation application process.
- 8.56 Natural England advises on ecology and biodiversity and has raised no objection to the proposal. Therefore, it is considered that the development is acceptable having regard to the Development Plan policies which seek to safeguard ecology and biodiversity. This includes Policy 10 (Natural and Historic Environment National and International Designations and Protected Species) and 11 (Natural and Historic Environment-Local Designations) of the Waste Local Plan (2006), Saved Policies EN8 and EN9 of the East Northamptonshire Local Plan (1996), and Policy 13 of the North Northamptonshire Core Spatial Strategy (2009).
- 8.57 Concerns have also been raised about the potential for leakage from the site into nearby watercourses. To some extent this overlaps with health and safety concerns but, in summary the high specification of the engineered containment and the leachate management infrastructure associated with the existing hazardous waste disposal at the landfill site will not be required to be changed as a result of the acceptance of LLW.
- 8.58 The potential impacts with respect to potential contamination by radioactive material on groundwater and surface water quality, and the subsequent use of the water resources by people, have been assessed qualitatively in the risk assessments which have been submitted to the Environment Agency as part of the Authorisation application.
- 8.59 Based on the risk assessments the applicant has concluded that radiation contamination via the groundwater and/or surface water pathways would not pose a risk to the public. The Environment Agency would deal with this matter as part of the Authorisation. It also has not raised any objections on these grounds to the planning application on groundwater pollution issues. There is already a series of boreholes around the site used for monitoring groundwater for any signs of pollution from the hazardous wastes deposited at the site and this monitoring would also include radioactivity. If these revealed any pollution risk the Environment Agency would use its powers to deal with this appropriately.
- 8.60 On the basis of the above and having regard to Policy 13 (Water Resources and flooding) of the Waste Local Plan (2006) and Policy 13 (General Sustainable Development) of the North Northamptonshire Core Spatial Strategy (2009), it is considered that there are no justifiable grounds to refuse the application in respect of the potential impact on water supply and/or contamination of groundwater or local water supplies.
- 8.61 The proposed development would not change the principles of landfilling and landraising which already exist under the existing hazardous waste planning permission, nor change the existing life of the site until 31st August 2013 and the restoration requirements by that date. The development is therefore considered acceptable having regard to Policies 9 (Local Landscape Character), 16 (Restoration, Aftercare and Afteruse) and 22 (Landfilling/Landraising) of the Waste Local Plan (2006).

Amenity

- 8.62 Impacts on residential amenities could arise from any significant increase in noise dust or odour emanating from the proposed development. However, given that this is an existing landfill and the actual nature of the operations will not change there will not be any significant impact from the proposal in respect of impacts on the general residential amenities. Health issues are covered separately in this assessment. There is therefore no justifiable ground to refuse the application on amenity impact having regard to Policy 15 of the Waste Local Plan (2006) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2009).

Fencing/Security/Boundary Treatment/Signage

- 8.63 A number of concerns have been raised regarding security and boundary fencing at the site. The operator already has CCTV security and some boundaries are fenced, whilst others have significant hedgerow barriers. Nevertheless, in view of the concerns raised a planning condition could be imposed requiring full details of boundary security and signage to be submitted for approval (see Appendix A, condition 11).

vii) Ability of the Applicant to Effectively Control and Monitor the Site

- 8.64 There have been a number of representations made in respect of the ability of the applicant to effectively control and monitor the site. Some of these focus on the applicants past history whilst others question their experience and suitability for handling LLW waste.
- 8.65 There must be clear evidence to show that the applicant is not fit and proper to manage a site. Usually this is not strictly a planning matter and not one which would be taken into account in determination of an application. However, in this instance, because of the nature of the proposal the charges against the applicant are assessed below.

Augean's Experience and Suitability

- 8.66 The Environmental Permitting regime which the site currently operates under requires Augean to have persons who are 'fit and proper' to manage the hazardous waste landfill site. Augean already has an experienced workforce and highly qualified technical team who are used to managing 'difficult to handle' waste streams. Nevertheless if LLW is brought to the site, the team will be supported by technical advisors and consultants. Because of the low level of radioactivity in the waste it is not necessary to take additional precautions to those in place already for the management of hazardous waste. In fact several of the waste streams disposed of at the site currently are more difficult to handle than the proposed LLW.
- 8.67 Augean has engaged the Health Protection Agency to provide direct support and has taken advice from one of the leading consultancies in the UK on LLW disposal. The consignors of radioactive waste are responsible for safe transport to the site and are signatories to a national emergency response scheme to provide support to prior to receipt of the first wastes in the few additional skills that are required to handle the wastes and will be independently advised by a professional Radiological Protection

Adviser provided by the HPA. Some of the Augean staff will be qualified as Radiation Protection Supervisors prior to receipt of the first wastes. The site must and will be operated in accordance with the Ionising Radiations Regulations and this will be regulated by the Health & Safety Executive (HSE).

Environment Agency

8.68 A number of concerns have been raised of the Environment Agency's ability to control and monitor the proposed development. The Environment Agency is the responsible, national regulation authority in respect of pollution control. It deals with the control of other sites which handle and dispose LLW and radioactive materials and has an expert team for this purpose. The competency of the Environment Agency is therefore not an issue which would justify refusal of the application.

8.69 Monitoring

8.70 An environmental radioactivity monitoring scheme for the site would be prepared and approved as part of the Authorisation for the proposed development. This would include continuous monitoring of workers, wheel wash, site access, traffic routes, and surfaces of the landfill site. The monitoring is designed to ensure that the site is being operated in accordance with the design and predictive risk assessments, as well as providing early warning in the event that improvements are necessary well before any unacceptable levels are reached.

8.71 Together with routine chemical analyses (as specified in the current Environmental Permit) radiochemical monitoring would be carried out in respect of leachate, gas, groundwater, surface water and dust collected in the dust monitoring gauges. The monitoring would provide early warning in the event that improvements are necessary well before any unacceptable levels of exposure are reached. The results of the monitoring would be submitted to the Environment Agency and would be publicly available.

Long Term Management

8.72 Augean have already made financial provision to cover the cost of long term monitoring at the site should the company cease to exist. This sum is available to the Environment Agency in the event that Augean no longer exists.

8.73 The site must be managed in accordance with the Environmental Permit until the Environment Agency is satisfied that the site no longer needs to be managed to prevent pollution of the environment or harm to human health. There is no time limit set for this.

8.74 The concerns of the local community regarding effective and proper management of the site in the short medium and long term have been assessed. However, on the basis of the above and in respect of all the factual evidence and information available, it is not considered that there are any grounds to refuse the application on the basis that either the applicant not being suitable or able to safely manage the site.

viii) Planning Obligations and Agreements

8.75 Policy 26 (Planning Obligations and Agreements) of the Waste Local Plan (2006) states that:

“Where there are issues that cannot be resolved through the imposition of planning conditions, the planning authority will seek to negotiate planning obligations and enter into legal agreements with developers in order to mitigate the impacts of, and maximise opportunities afforded by, waste development proposals. These should be related to the development proposals and ensure satisfactory control over operations. Restoration and off site impacts, off site landscaping and or transport improvements where such matters are beyond the scope of planning conditions.”

8.76 There is an existing legal agreement under Section 106 of the Town and Country Planning Act 1990 which requires the applicant to provide an annual contribution of £5,000 towards highway improvement and maintenance works.

8.77 The landfill tax credit scheme already enables some of the tax revenue from this landfill site (as with any other similar site) to be used for local community projects. This has successfully operated with King’s Cliffe parish receiving support for a number of schemes. However the qualifying criteria applicable to schemes have restrictions and not all proposals are able to utilise this source of funding.

8.78 In respect of this planning application, whereas the evidence demonstrates that there will be no unacceptable risks to health or the environment as a result of the presence of LLW, there remain perceptions in the local community that there are associated impacts. On this basis the applicant has been approached on its willingness to enter into a Section 106 obligation to provide a community fund. This would provide positive financial support for various social and economic projects in the local community in order to counter-balance any perceived impacts of the development together with any negative perceptions within the local community from the presence of LLW on the land.

8.79 The applicant is agreeable to this on the basis of £5 per tonne of the annual amount of LLW deposited at the site. It is therefore considered that if the Committee is minded to approve the planning application a Section 106 Agreement to establish a Community Fund on the basis should be entered into before planning permission is issued.

9 Conclusions

9.1 The East Northamptonshire Resource Management Centre is an existing hazardous waste landfill site with planning permission until the 31 August 2013. It currently operates as a national facility due to the shortage of hazardous waste landfill sites. The application to deposit LLW has been rigorously scrutinised by the expert agencies responsible for pollution control and protecting the health of the general public (Environment Agency; Health Protection Agency; Primary Care Trust; and East Northamptonshire Environmental Protection Officer) and no objections has been received from these consultees.

9.2 Objections to the application have been received from a number of other Planning Authorities, Parish Councils (including King’s Cliffe) and members of the public. These

have principally related to: the health and safety risks and fears related to the development; the status of Government Policy relating to LLW and the question of prematurity; the distances that LLW would travel to the site; the appropriateness of the site to take radioactive wastes; and the experience of the operator.

- 9.3 Having regard to the objections received the application has been assessed against the relevant Development Plan policies and other material policy considerations. Waste Local Plan Policy 1 establishes principles for sustainable waste management and the application is considered to satisfy these. The site is an existing 'Main Site' identified in the Waste Local Plan and as such is appropriate for development for new waste facilities. The impact of the development on; highway safety; landscape; ecology; water resources; local amenity; restoration of the landfill site, and appropriateness of, have been assessed and are considered acceptable having regard to Waste Local Plan Policies 8,9,10,11,13, 15,16,and 22; East Northamptonshire Local Plan Policies EN8 and EN9 of the; and North Northamptonshire Core Strategy Policy 13. A planning obligation legal agreement to establish a local community fund has been considered as appropriate having regard to Waste Local Plan Policy 26.
- 9.4 The application has also been assessed having regard to Government Policy. The 2007 Government Policy on LLW document makes it clear that the disposal of solid low level radioactive waste (LLW) to an appropriately engineered facility, either above or below ground, is an appropriate end point for LLW and that these new disposal facilities will be of a sufficiently robust design such that risks to the public will be acceptable. It also states that postponing final disposal to future generations is unjustified. PPS10 Planning and Waste Management, and PPS23 Planning and Pollution Control, have also been considered and these application is considered to be in accordance with these policy statements.
- 9.5 It is considered that there are no justifiable reasons to refuse the planning application and therefore it should be approved in accordance with the advice.

10 List of Appendices

Appendix A – Proposed Planning Conditions

Appendix B – Summary of Environmental Impact Assessment

Appendix C – Plan showing Facilities which produce Radioactive Waste

Appendix D - Review of Radiation Safety Aspects, Dr A R Denman

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Contact details:	Tel: 01604 236638 Fax: 01604 236065 Email: gpwatson@northamptonshire.gov.uk
Background Papers:	Planning Application 09/00053/WAS
Is this report proposing a key decision is taken?	NO
If yes, is the decision in the Forward Plan?	NO
Will further decisions be required? If so, please outline the timetable here	
Is this report proposing an amendment to the budget and/or policy framework?	NO
Have the financial implications been	NO – Non applicable

cleared by the strategic finance manager (SFM)? Have any capital spend implications been cleared by the Capital Asset Investment Group (CAIG)	
Has the report been cleared by the relevant Corporate Director or ACE?	YES Chief Planning Officer
Has the relevant Cabinet Member been consulted?	NO – Not applicable
Has the relevant scrutiny committee been consulted?	NO – Not applicable
Have any legal implications been cleared by Legal Services?	YES Name of solicitor: Debbie Carter
Have any communications issues been cleared by Communications and Marketing?	YES Name of officer: Liam Beesley
Has the relevant County Councillor(s) been consulted?	YES Name of Councillor(s): Councillor Mrs H Smith
Has the relevant Borough/District Councillor(s) been consulted?	YES Name of Councillor(s): Councillor Mrs H Smith, Councillor P Bradberry, Councillor R Glithero, Councillor J Holdrich and Councillor D Lamb
Have all the statutory consultees been consulted?	YES
Has an Equalities Impact Assessment been carried out in relation to this report?	NO
Are there any community safety implications?	The community safety aspects of depositing LLW at the site have been assessed as in this report.
Are there any environmental implications:	YES These are identified and discussed in this report.
Are there any human rights implications:	NO The process for determining planning applications accords with the Human Rights legislation.
Constituency Interest:	Prebendal