

## Case Study 11

# Disposal of low-level radioactive waste to landfill – King's Cliffe, Northamptonshire

December 2010

## **1: Overview**

A test case for the implementation of UK strategy for the management of low-level radioactive waste (LLW) is being fought out in Northamptonshire. In March 2010, an application by Augean for planning permission to dispose of LLW to the East Northamptonshire Resource Management Facility (RMF) at King's Cliffe was refused on various grounds, including inconsistency with local plans and perceptions of harm. The applicant appealed and a Public Inquiry began on 26 October, 2010. The Inquiry considered a range of issues relevant to the implementation of LLW strategy, including: consistency of the application with national policy and strategy; the question of need; the role of the proximity principle; public and stakeholder engagement; and perceptions of harm as a material consideration. It is anticipated that the Secretary of State will give his decision in Spring 2011.

## **2: UK Strategy for the management of LLW**

The strategy was published in August 2010 and is available on the NDA website at UK LLW Strategy<sup>1</sup>. The strategy aims to provide a framework which implements Government policy and allows decisions to "be taken flexibly to ensure safe, environmentally acceptable and cost-effective management solutions". It highlights the need for more effective application of the waste hierarchy and a move away from the past focus on disposal. It also points to the need for new fit-for-purpose waste management routes, which could include disposal to existing landfill sites, subject to meeting the relevant safety and planning requirements. Nuleaf has published a high level commentary on the strategy which is available on its website at Briefing Paper 8<sup>2</sup>.

## **3: The site and the application**

The RMF is a landfill site currently permitted for disposal of hazardous wastes, but due to be closed and restored by the end of August 2013. The application is for the disposal of LLW which is at the lower end of the range of radioactivity in the LLW category. The proposed development would not change the rate or volume of waste that can be deposited at the site, which is up to 250,000 tonnes per annum. The LLW proposed for disposal would typically consist of construction and demolition waste from nuclear sites undergoing decommissioning.

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<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/497114/NI\\_LLW\\_Strategy\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/497114/NI_LLW_Strategy_Final.pdf)

<sup>2</sup><https://www.nuleaf.org.uk/policy-communications/briefing-papers/>

## **4: Public opposition**

There is considerable local interest in the application both amongst the general public and in the media. A campaign group 'Waste Watchers' organised public meetings, set up a website giving sample reasons for objections and gave a presentation to the Development Control Committee. Over 150 letters of objection were received from the general public. Objections were also raised by Peterborough Friends of the Earth, the Governors of King's Cliffe Middle and Oundle Schools. Six local Parish Councils objected, as did East Northamptonshire, Corby Borough and Peterborough City Councils.

## **5: Consideration by the development control committee (DCC)**

The report to Committee on 16 March 2010 from the Chief Planning Officer recommended that the application be approved, subject to conditions and a Section 106 Agreement to secure a fund for local community benefits. The DCC decided, however, to refuse the application on a number of grounds. The way the DCC reached its decision was explained in Councillor Ben Smith's evidence to the Public Inquiry. On 27 July 2010 the DCC re-considered the application following disclosure by the developer that it had started preparing an application for a further permission, with proposals to extend the area for landfill and the operational life of the site. As a result, the DCC approved additional reasons for refusal, including that the application is for piecemeal development of a project that should be subject to a comprehensive application.

## **6: Appeal documents, evidence and closing statements to the inquiry**

At the time, appeal statements and application documents were published on the Northamptonshire County Council website<sup>3</sup>. In addition to the proof of evidence by Councillor Ben Smith, the County Council's main evidence is contained in two further proofs:

Proof of Evidence by Simon Aumonier, NCC7.1, PINS Ref APP/K2800/A/10/2126938/NWF (covering need, proximity and alternatives)

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<sup>3</sup> Northamptonshire County Council ceased to exist on 31<sup>st</sup> March 2021

Proof of Evidence by Ray Kemp, NCC8.1, PINS Ref APP/K2800/A/10/2126938/NWF (covering definitions of risk, risk perception, and responding to perceived risk).

## **7: Next steps**

The decision to approve the application was published in July 2013<sup>4</sup>. Subsequently an application has been made to extend the operational life of the site until 2046 and create a further landfill void. The examination into the Development Consent Order closed on 2<sup>nd</sup> August 2022. The Planning Inspector will then have three months in which to write their report and make a recommendation to the Secretary of State, who will have a further three months to make a final decision.

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<sup>4</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/WS010001/WS010001-000696-Secretary%20of%20State%20decision%20letter%20and%20statement%20of%20reasons.pdf>