

24 May 2011

Ms Claire Brook
Dickinson Dees LLP
The Chocolate Works
Bishophthorpe Road
York
YO23 1DE

Our Ref: APP/K2800/A/10/2126938/NWF
Your Ref: CB6/AUG/0005/00005

Dear Madam

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78

APPEAL BY AUGEAN PLC: EAST NORTANTS RESOURCE MANAGEMENT FACILITY, STAMFORD ROAD, KING'S CLIFFE, PE8 6XX

APPLICATION: REF 09/00053/WAS

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, K G Smith BSc (Hons) MRTPI, who held a public local inquiry which opened on 26 October 2010 and was closed on 24 November 2010 into your client's appeal against a decision by Northamptonshire County Council (the Council) to refuse planning permission for the landfill disposal of low level radioactive waste in Phases 4B, 5A and 5B of the currently permitted hazardous waste landfill at the East Northants Resource Management Facility, Northamptonshire, in accordance with application reference 09/00053/WAS, dated 21 July 2009.
2. On 27 April 2010, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990 because it relates to proposals for development of major importance having more than local significance.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed and planning permission granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

4. In reaching this position the Secretary of State has taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the Inspector's comments at IR1.17 and IR7.72-7.75. Like the Inspector, the Secretary of State sees no reason why the current appeal should not be dealt with on its own merits (IR7.73) and that there is nothing to support the Council's claim that permission in this case would frustrate the aims of the Environmental Impact Regulations and the Environmental Impact Assessment Directive, or the claim that an assessment of cumulative impact should be deferred to be examined by an ES at the stage of a second application (IR7.74). In conclusion, the Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the appeal.

Matters arising after the close of the inquiry

5. The Secretary of State is in receipt of the post inquiry correspondence listed at Annex B. He has given very careful consideration to this correspondence, including the petitions and local referendum documentation, but he does not consider that it raises any new issues which would either affect his decision or require him to refer back to parties prior to determining the appeal. A copy of the correspondence is not attached but may be obtained on written request to the above address.
6. The Northamptonshire Minerals and Waste Development Framework (MWDF) Locations for Waste Development DPD was adopted In March 2011, after the close of the inquiry. The emerging draft of this DPD was considered at the Inquiry, and the Secretary of State does not consider the adopted DPD raises any new issues in relation to the appeal before him on which it is necessary for him to refer back to parties before proceeding to his decision.

Policy considerations

7. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case, the development plan comprises the 2009 East Midlands Regional Plan (RS), the 2010 Northamptonshire MWDF Core Strategy (CS) and the 2011 Northamptonshire MWDF Locations for Waste Development DPD (locations DPD).
9. Like the Inspector the Secretary of State considers that there are no RS policies that are particularly relevant to this proposal (IR7.76). Following the judgment of the Court on 10 November 2010, the Secretary of State has made clear that it is the Government's intention to revoke RSs, and the provisions of the Localism Bill which is now before Parliament reflects this intention. Whilst he has taken this

matter into account in determining this case he gives it limited weight at this stage of the parliamentary process.

10. The Secretary of State has also had regard to the emerging Northamptonshire MWDF Control and Management of Development DPD (IR1.36) which has been submitted for examination and he therefore attaches some weight to this.
11. Other material considerations which the Secretary of State has taken into account include: Policy Statement (PPS) 1: *Delivering Sustainable Development*, PPS10: *Planning for Sustainable Waste Management*; PPS23: *Planning and Pollution Control*; Circular 11/95: *The Use of Conditions in Planning Permission*; Circular 05/05: *Planning Obligations*.
12. He has also taken into account the documents identified at IR1.38 – 1.42. These are: the 2007 Government Policy for the Long Term Management of Solid Low Level Radioactive Waste in the UK (the 2007 LLW Policy); the 2010 UK Strategy for the Management of Solid Low Level Radioactive Waste from the Nuclear Industry (the 2010 Nuclear Industry LLW Strategy) prepared by the Nuclear Decommissioning Authority; the 2010 UK Strategy for the Management of Solid Low Level Radioactive Waste from the Non-Nuclear Industry (the 2010 Non-Nuclear Industry LLW Strategy); and the 2007 High Volume Low Activity Waste Public Consultation at UK Atomic Energy Authority Harwell Final Recommendation.
13. The Secretary of State has also taken account of the Written Ministerial Statement (WMS) of the Rt Hon Greg Clark MP, dated 23 March 2011, which emphasises that the Secretary of State will attach significant weight to the need to secure economic growth and employment. However, he does not consider it necessary to refer back to the parties to this case on the WMS as he has already addressed economic and employment issues (in so far as they relate to this case) in determining this appeal, and he is satisfied that it raises no new issues which would affect his decision. He has reached the same conclusion regarding the update, issued on 30 March 2011, to the waste hierarchy in PPS10.
14. The Office for Nuclear Regulation published a report on 18 May setting out initial findings of the HM Chief Inspector of Nuclear Installations (Dr M Weightman) in regard to the implications for the UK nuclear industry of the Japanese earthquake and tsunami. The Secretary of State has had regard to this report, but does not consider that it raises any issues that would affect his determination of this appeal.

Main issues

15. The Secretary of State considers the main issues in this case are those set out in the Inspector's conclusions in Section 7 of the IR.

Development Plan

16. Notwithstanding the changes to the development plan since the close of the Inquiry as described at paragraph 6 above, the Secretary of State agrees with the Inspector's assessment of the scheme's compliance with development plan policy set out at IR7.76-7.84. Like the Council, he does not identify any material conflict

with Policy CS14 (IR7.78). He agrees with the Inspector that the appeal proposal is for a specialist facility (IR7.81) and that the proposal gains some support from the emerging Control and Management DPD (IR7.83). With regard to the newly adopted locations DPD, the Secretary of State notes that this includes a statement at paragraph 2.19 of the explanatory text that refers to the continuation of a waste use on the appeal site where it meets the intent of the Minerals and Waste Development Framework strategy and policies, as anticipated by the Inspector at IR7.77. Overall, he shares the Inspector's conclusion that there is no conflict with the adopted development plan, and there is some limited support for the appeal proposal in the emerging Control and Management DPD (IR7.84).

National Policy and Strategy

17. The Secretary of State agrees with the Inspector that there is no merit in the claimed distinction between national 'planning' and national 'other' policy, by which, like the Inspector, he means the Strategy for the nuclear industry (IR7.16).
18. The Secretary of State agrees that the LLW Policy and Strategy documents are highly material to this case. He notes that the policy change in the 2007 LLW Policy that led to this proposal is that, following the application of the waste hierarchy, Government sees no reason to preclude controlled burial of LLW and Very Low Level Radioactive Waste from nuclear sites from the list of options to be considered. He has also had regard to the fact that the 2010 LLW Strategy confirms that alternative disposal options include the use of existing landfill sites (IR7.17).

Environmental Permit

19. An application for an Environmental Permit (EP) was made by Augean in July 2009. On 19 February 2010 the Environment Agency (EA) issued an Explanatory Document and Draft EP. The Inspector's consideration of the draft EP and related matters is at IR7.8-7.13. He notes that the EA has assessed all relevant aspects of the proposed development and has scrutinised the radiological exposure assessments to ensure that the development would meet all the relevant regulatory and environmental principles in the legislation, in guidance documents and enshrined in BAT (IR7.9). An EP dealing with the LLW aspects of operations at the site is being issued separately by the EA.

Actual harm

20. The Secretary of State has carefully considered and agrees with the Inspector's reasoning and conclusions on actual harm at IR7.19-7.32.
21. He has had regard to the fact that pollution control aspects of landfill development are regulated by the EA under the Environmental Permitting Regulations 2010, as identified above, and that, as PPS10 and PPS23 state, planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. In this context, PPS23 states that the controls under planning and pollution regimes should complement rather than duplicate each other (IR7.19).

22. The Secretary of State has given careful consideration to the inquiry evidence and post-inquiry representations from opponents of the proposal concerning safety and related matters. However he is satisfied that the EA has taken account of these matters in their permitting decision and he has also had regard to the fact that the Council, the EA and all of the statutory bodies consulted about the application have no objections on safety grounds (IR7.21). Like the Inspector, the Secretary of State is satisfied that the actual risks would be very small and that the proposal would meet that target for broad acceptability set out in the Government's 2007 Policy for the Long Term Management of Solid Low Level Radioactive Waste (IR7.32). He therefore places only limited weight on the very small risks of actual harm.

Perception of harm

23. The Secretary of State agrees with the Inspector's reasoning and conclusions on the perception of harm at IR7.33-7.44. He agrees that the perception of harm is a material consideration in this case (IR7.33) and he has taken full account of the Inspector's comments that there is no dispute that the fears and perceptions of local people are genuinely held, and that they are not malicious or invented (IR7.34). He considers that the substantial body of post inquiry representations objecting to the proposal serve to underline the level of genuine concern.

24. However the Secretary of State shares the Inspector's view that Augean's consultation with the public was thorough and comprehensive (IR7.39), and has taken into account the Inspector's comments that there is limited evidence of any direct effects from the perception of harm at this stage (IR7.44). The Secretary of State agrees that the mainstream scientific assessment of the effects of low level radiation is far removed from the perception that many people have, using information from the media and pressure groups, as the actual risk of harm would be extremely small and it would meet Government guidelines (IR7.44). In conclusion on this issue, the Secretary of State agrees with the Inspector that only limited weight should be attached to the perception of harm in this case (IR7.44).

Need

25. The Secretary of State agrees with the Inspector's reasoning and conclusions on need at IR7.45-7.59. He agrees that there is no policy requirement to demonstrate need, but that there is a need for alternative ways to manage LLW and that there is no indication of any other facility being proposed to serve southern and central England. Like the Inspector, he also considers that legacy wastes should be cleared as soon as possible, and that it is necessary to secure ways to husband the valuable resource of Drigg Low Level Waste Repository, which should be used only for residual wastes that cannot be treated elsewhere. He agrees that substantial savings of public money would be secured for the 2 year life of the proposal and, subject to the preparation of Waste Management Plans by consignors and unlike the provision of a new landfill, the proposal site could be brought into use with little delay (IR7.59). The Secretary of State places substantial weight on these considerations.

Hazardous Landfill Void Space

26. The Secretary of State agrees with the Inspector's reasoning and conclusions in respect of hazardous landfill void space at IR7.60-7.61. He agrees that, in the timescale of the appeal proposal until 2013, the intake of LLW would have no effect on the void-space needed for hazardous waste. The site would not be full by 2013 even with the addition of the LLW waste stream. He notes that the intake of LLW until 2013 would only occupy void-space that would otherwise be used for hazardous waste if NCC were to grant an extension to the current permission beyond 2013. However, no application for this has been submitted and, like the Inspector, the Secretary of State attaches little weight to the argument about safeguarding hazardous waste void space (IR7.61).

Ad hoc decision?

27. The Secretary of State agrees with the Inspector's reasoning and conclusions at 7.62. He notes that permission in this case would result in a waste management decision that would not be made within an LLW Waste Management Plan. He also agrees that no consignment should be sent to the proposal scheme until there is a relevant LLW Waste Management Plan. However, he notes that if the ENRMF were not to fit into that plan, then the LLW would not be sent there.

Traffic and Transport

28. The Secretary of State agrees with the Inspector's reasoning and conclusions regarding traffic and transport at IR7.63-7.65. Like the Inspector he has taken account of the advice in the 2007 LLW Policy that, although the desire to avoid excessive transportation is an important consideration, it must be balanced with all of the other relevant factors and there may be an opportunity to transfer a portion of waste movements from road to rail (IR7.63). He agrees with the Inspector that the BAT assessment by waste producer/ consignor would assess rail/ road options as well as the distances involved, and he agrees with the Inspector's assessment regarding rail options (IR7.63). With regards to road haulage, like the Inspector, he has taken account of the 2007 LLW Policy, which states that the regulations for the transport of radioactive waste provide a safe environment, and which advises that the transport of LLW presents a relatively low risk (IR7.64). In respect of highway safety near to the appeal site the Secretary of State agrees with the Council and the Inspector that there is no highway objection to appeal proposal (IR7.65).

Economic effects

29. The Secretary of State agrees with the Inspector's reasoning and conclusions on economic effects at IR7.66. He agrees that the indications are that the existing hazardous waste landfill at the site has a minimal impact on business and the local community, and shares the Inspector's view that there is no reason why, after an initial settling period, the same would not apply to this proposal (IR7.66). However, for the reasons set out at paragraph 32 below, he has not taken into account the input to local facilities that would be provided through the S106 Agreement. Furthermore, based on the evidence before him, he considers that any payments that would be forthcoming from the Landfill Tax Credit scheme

would be used for measures which are not necessary to make the proposal before him acceptable in planning terms, and he has not taken this into account in his decision.

Localism and precedence

30. The Secretary of State agrees with the Inspector's reasoning and conclusions regarding localism at IR7.67, and regarding whether permission for this appeal would create a precedent at IR7.69-7.70. He accepts that, in allowing this appeal, the chances of permission for a future proposal for the landfilling of LLW at or adjacent to the cells to be filled in this case would be enhanced (IR7.71). However each application needs to be considered on its merits and having regard to the material circumstances at the time.

Conditions

31. The Secretary of State has considered the conditions at Appendix A of the IR and the Inspector's comments on conditions at IR8.1-8.15. He is satisfied that the conditions at Appendix A of the IR, as reproduced at Annex A of this letter, are reasonable and necessary and meet the tests of Circular 11/95.

Obligation

32. The Secretary of State has considered the planning obligation, national policy as set out in Circular 05/2005 and the Inspector's comments at IR1.43, 7.66, 7.87, 7.94 and 8.16. The proposal involves no changes to the existing permission for disposal of hazardous wastes other than in respect to what material is landfilled. Site restoration and other matters identified at IR1.24 would not be affected. For this reason he is not persuaded that the obligation in the form of a S106 Agreement is necessary to make the specific proposal before him acceptable in planning terms, and he therefore considers that it does not meet the test in Circular 05/2005 in this respect. Therefore, whilst the Secretary of State welcomes the benefits that the Agreement will provide, he has given it no weight in reaching his decision.

Overall Conclusions

33. The Secretary of State agrees with the Inspector's overall conclusions at IR7.85-7.96 with the exception of the issues of the S106 agreement and the Landfill Tax Credit scheme which, for the reasons set out at paragraphs 29 and 32 above, he has given no weight in his decision.

34. He concludes that there is no conflict with the development plan, and there is some limited support for the proposals from the emerging Control and Management DPD. He considers that the need for the proposal and the fact it would further the aims and desired outcomes of the 2007 LLW Policy, as developed by the 2010 Nuclear Industry LLW Strategy and the 2010 Non-Nuclear Industry LLW Strategy, are significant material considerations in support of this proposal. He attaches substantial weight to these benefits.

35. He concludes that the risk of actual harm from the development would be very low, and would meet the standard set by the Government. He therefore places only limited weight on the very small risks of actual harm. He fully recognises the widespread public perception of harm, but likewise attaches only limited weight to this. He also attaches limited weight to any harmful economic effects, which he concludes would be slight; to claims that this would be an ad hoc decision; to fears about the transport of waste and about highway safety near the appeal site; and to the need to encourage transport of LLW by rail.
36. Having weighed up all relevant considerations, the Secretary of State concludes that that the factors which weigh in favour of the proposed development outweigh the limited harm which he has identified. Therefore he does not consider that there are any material considerations of sufficient weight which would justify refusing planning permission.

Formal Decision

37. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission for the landfill disposal of low level radioactive waste in Phases 4B, 5A and 5B of the currently permitted hazardous waste landfill at the East Northants Resource Management Facility, Northamptonshire in accordance with application reference 09/00053/WAS, dated 21 July 2009, subject to the conditions set out at Annex A.
38. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
39. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
40. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

41. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
42. A copy of this letter has been sent to Northamptonshire County Council and the Rule 6 party. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Julian Pitt

Authorised by Secretary of State to sign in that behalf

Annex A

Application 09/00053/WAS: CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of one year beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in the Schedule below. The landfilling of low level radioactive waste shall be restricted to cells 4B, 5A and 5B as shown on the submitted plan Drawing No. AU/LL/04-09/15005revA dated 16 July 2009.

| Volume 1 – PLANNING APPLICATION (Including the following documents) | |
|--|--|
| Application Forms | |
| Design and Access Statement | |
| | |
| Figures | |
| AU/LL/04-09/15003revA | The site location |
| AU/LL/04-09/15005revA | The current site layout and the application boundary |

| Volume 2 – ENVIRONMENTAL STATEMENT | |
|---|--------------------------|
| Environmental Statement | Introduction Section 4. |
| Part I The Proposed Development | Sections 6, 7, 8, and 9. |

3. No materials shall be imported and deposited on the site other than radioactive waste comprising solid radioactive waste up to a maximum specific activity of 200Bq/g (Low Level Waste) and existing permitted hazardous wastes together with inert waste materials used for restoration purposes.
4. No materials shall be imported and deposited on the site other than hazardous waste, low level radioactive waste and inert waste materials used for restoration purposes. The total amount of waste materials imported per annum shall not exceed 249,999 tonnes.
5. Except as may be otherwise agreed in writing by the Waste Planning Authority, finished ground levels shall be in accordance with the submitted Proposed Finished Contour Plan Drawing No. D107125_LV_00IE, Figure 8.6 (Landscape Restoration Master Plan) dated April 2005.
6. The sole vehicular access for the development hereby permitted shall be by way of the existing access to the site on to the Stamford Road.
7. Except as may otherwise be agreed in writing by the Waste Planning Authority, upon completion of the tipping operations, or by the 31st August 2013, whichever is

the sooner, the vehicular access shall be reinstated to its former condition as an agricultural access, in accordance with a scheme to be submitted to and agreed in writing by the Waste Planning Authority.

8. Vehicular traffic associated with this development shall be controlled as follows:

a) The operator shall ensure that all commercial vehicles entering and leaving the site shall travel direct to and from the A47 Trunk Road via Stamford Road north of the access point with no such vehicles travelling along Stamford Road towards King's Cliffe village south of the site access point.

b) Prior to the acceptance of low level radioactive waste at the site, signs informing vehicle drivers of the requirements in a) above shall be erected and maintained in a visible location near to the egress on site in accordance with details to be submitted to and agreed in writing by the Waste Planning Authority.

c) Prior to the acceptance of low level radioactive waste at the site, facilities shall be provided in accordance with details to be submitted to and approved in writing by the Waste Planning Authority for site operatives within the site to observe the direction of vehicle entry to and exit from the site.

9. Except as may otherwise be agreed in writing by the Waste Planning Authority, the access and site reception facilities including the internal haul road, office and weighbridge, shall be as identified on Drawing Ref AU/LL/04-09/15005revA.

10. Prior to the acceptance of low level radioactive waste at the site, wheel cleaning facilities shall be provided on site, with appropriate drainage, in accordance with details to be submitted to and approved in writing by the Waste Planning Authority and these facilities shall thereafter be retained and maintained. The wheels of all vehicles leaving the site shall be cleansed of mud and other debris to prevent mud being carried onto the highway.

11. A scheme for site security measures around the complete boundary of the East Northants Resource Management Facility, as shown on the submitted plan Drawing No. AU/LL/04-09/15005revA dated 16 July 2009, shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall include measures for security fencing and warning signs. The scheme, as approved in writing, shall be implemented prior to the importation of low level radioactive waste and be maintained throughout the life of the operations at the site and beyond until the Waste Planning Authority, in consultation with the Environment Agency, determines and confirms in writing that the site security measures are no longer required. Thereafter, any fences erected under the terms of this condition shall be removed within a period of 3 months.

12. Except as may otherwise be agreed in writing by the Waste Planning Authority, all waste disposal, site preparation, levelling and restoration operations and any associated activities shall be restricted to between the hours of 07.00 and 18.00 on Mondays to Fridays and 07.00 and 13.00 on Saturdays, with no such operations being carried out on the site on Sundays or Public Holidays.

13. The infilling operations hereby permitted shall be carried out progressively and in a phased and orderly manner in accordance with Drawing reference AU/LL/04-09/15005 Rev A submitted as part of the planning application.

14. Dust, particulates and odour mitigation shall be undertaken in accordance with the scheme of measures approved by the Waste Planning Authority in writing in connection with the planning permission for hazardous waste disposal reference EN/05/1264C.

15. Noise mitigation shall be undertaken in accordance with the scheme of measures approved in writing by the Waste Planning Authority in connection with the planning permission for hazardous waste disposal reference EN/05/1264C.

16. All plant, equipment and machinery used on site shall be designed and maintained to reduce noise levels to a minimum and shall be operated in accordance with manufacturers' instructions. All plant, equipment and machinery used on site, including vehicular traffic, which is capable of being fitted with the appropriate silencers, baffles, cladding and rubber linings shall be so fitted and maintained.

17. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge into the bund.

18. The strategy for surface water drainage shall be implemented fully in accordance with the scheme approved in writing by the Waste Planning Authority in connection with the planning permission for hazardous waste disposal reference EN/05/1264C.

19. Except as may otherwise be agreed in writing by the Waste Planning Authority, the areas filled in accordance with the conditions of this permission shall be progressively restored in accordance with Drawing Number D107125-LV-001E and the final layer of the filled area in each phase shall be progressively covered as filling proceeds to a depth of not less than 1.3 metres. This cover shall comprise the following:

a) A low permeability engineered cap, covered by:

b) An agricultural cap of not less than 1 metre depth. The agricultural cap shall be kept free of materials likely to interfere with final restoration or subsequent cultivation, and not less than the top 300mm depth of this covering shall be composed of the topsoil stripped and stored in accordance with the approved restoration scheme and other suitable imported topsoil or subsoil capable of being cultivated. The remaining covering material shall comprise the subsoil and overburden stripped and stored on site in accordance with the approved restoration scheme and other imported subsoil and overburden as may be necessary. The topsoil, subsoil and overburden

shall be placed and spread in their correct sequence. Prior to the spreading of topsoil in each phase the subsoil shall be ripped (rooted) to relieve compaction and all stones or other objects which would impede subsequent cultivation shall be removed.

20. Details of a scheme for ditches, fences, hedges, gates, field drains or water supplies required for good husbandry shall be submitted to and approved in writing by the Waste Planning Authority and shall be provided during and following restoration of the land and on its reinstatement to agricultural use.

21. Except as may otherwise be agreed in writing by the Waste Planning Authority, within three months of the completion of filling and covering of each phase in accordance with the approved restoration scheme, the area shall be prepared and sown with an appropriate grass seed mixture to establish a long term ley. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the Waste Planning Authority, shall fill the depression with suitable soils, to a specification to be agreed in writing by the Waste Planning Authority.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure or fixed plant shall be erected, extended, installed, rearranged, repaired, altered in any way or replaced on the site without the prior agreement in writing of the Waste Planning Authority.

23. Copies of reports relating to all environmental monitoring, including post closure monitoring, which are required to be submitted to the Environment Agency in connection with the Radioactive Substances Environmental Permit, shall be copied at the same time to the Waste Planning Authority and the East Northamptonshire Council Environmental Protection Officer.

24. The operators of the site shall provide to the Waste Planning Authority detailed information in writing on the quantities by weight, types and deposition locations of low level waste brought on to the site for disposal. The information shall be provided not later than the last day in February for the preceding calendar year and copied at the same time to the East Northamptonshire Council Environmental Protection Officer.

25. The operating company shall keep records of the quantity of low level waste received by weight and its source for each calendar year and these records shall be provided to the Waste Planning Authority within 21 days of a written request. Any identified commercially sensitive data supplied will be treated on a confidential basis.

26. A copy of the terms of this permission, shall be displayed on site, and all documents hereby permitted and any documents subsequently approved in accordance with this permission (or amendments approved pursuant to this permission) shall be available at the site office and shall be made known to any person given responsibility for the management or control of operations on the site.

27. Unless the Waste Planning Authority otherwise agrees in writing, any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the

nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when they are respectively no longer required for the purpose for which they were installed and in any case not later than 31st August 2013 (two thousand and thirteen) and upon their removal the land shall be restored in accordance with the agreed restoration scheme by the date referred to in condition 28 of this permission.

28. The development hereby permitted shall cease not later than 31st August 2013 (two thousand and thirteen) by which time the land and the access shall be restored or reinstated in accordance with conditions of this permission.

29. Except as may otherwise be agreed by the Waste Planning Authority, not later than the completion of infilling operations in accordance with plan D107 25-101 - 1007 RevP5, figure 2.1, a five year outline strategy of aftercare shall be submitted to the Waste Planning Authority for approval in writing. The five year outline strategy of aftercare, as may be approved by the Waste Planning Authority in writing, shall be implemented during the five year period following its approval.

Annex B - post inquiry correspondence

| <u>Organisation/ name</u> | <u>Date of letter / email</u> |
|---|-------------------------------|
| Derek Walton | 6 December 2010 |
| David Sidgwick | 15 January 2011 |
| David Sidgwick | 27 February 2011 |
| Robin Gifford, East Northants Local Democracy in Action | 2 March 2011 |
| Tim Harvey | 9 March 2011 |
| Phil Thompson | 11 March 2011 |
| Sandra Johnson | 19 March 2011 |
| Maggie Scott, East Northants Local Democracy in Action | 20 March 2011 |
| Malcolm Winder, Chairman - Apethorpe Parish Meeting | 22 March 2011 |
| Maggie Scott, East Northants Local Democracy in Action | 22 March 2011 |
| Name withheld | 26 March 2011 |
| June Brennan | 29 March 2011 |
| Carolyn Mutter | 29 March 2011 |
| Mrs K M Potterton | 30 March 2011 |
| Stephen and Lisa Warner | 3 April 2011 |
| David Allan, Chair of Wakerley Parish Meeting | 4 April 2011 |
| Paul Johnson | 5 April 2011 |
| Mary-Anne Andrews | 5 April 2011 |
| Nick Boles MP | 5 April 2011 |
| Daniel Black | 6 April 2011 |
| Richard Parkinson | 8 April 2011 |
| Malcolm Winder, Chairman - Apethorpe Parish Meeting | 8 April 2011 |
| Barbara Curtis, Chair of Nassington Parish Council | 8 April 2011 |
| Malcolm Winder, Chairman - Apethorpe Parish Meeting | 13 April 2011 |
| Mr A Fleming | Received 13 April 2011 |
| Robin Gifford, East Northants Local Democracy in Action | 13 April 2011 |
| David Sidgwick | 14 April 2011 |
| Robin Gifford, East Northants Local Democracy in Action | 14 April 2011 |
| Mrs Sheila Saunders, Chairperson Barrowden Parish Council | 15 April 2011 |
| Ms P Bradberry, Chairman of Easton on the Hill Parish Council | 15 April 2011 |
| Andrew Howard, Kings Cliffe Parish Council | 15 April 2011 |
| Philip McCrone, Chairman Laxton Parish Meeting | 16 April 2011 |
| Mrs R E Clayton, Chair of Fotheringhay Village Meeting | 17 April 2011 |
| A Whittaker, Chair of Yarwell | 18 April 2011 |
| Ms Fiona Cowan, Collyweston Parish Council | 18 April 2011 |
| M Roger Glithero, Chairman of Bulwick Parish Council | 19 April 2011 |
| M R Glithero, District Councillor, East Northants Council (includes petition undertaken by Blatherwycke Parish Meeting signed by 29 people) | 20 April 2011 |
| Simon J B McLean, Harringworth Parish Council | 20 April 2011 |
| Phil Thompson | 21 April 2011 |
| Sandie Parsons, Chairman Duddington-with-Fineshade Parish Council | 21 April 2011 |
| A K Slipper, Tixover Parish Meeting | 25 April 2011 |
| Dave Foley (includes petition undertaken in Woodnewton signed by 148 people) | 25 April 2011 |
| Local Democracy in Action petition signed by 39 people | 26 April 2011 |
| Fred Barker, Nuclear Legacy Advisory Forum | 3 May 2011 |

David Charlton-Jones, CPRE North Northants District
Jane Martin
Richard Lattimore
Mary Bunker

4 May 2011
9 May 2011
9 May 2011
12 May 2011