

The Planning Act 2008 (as amended)

**The East Northamptonshire Resource
Management Facility Order**

**East Northamptonshire Resource
Management Facility, Stamford Road, Kings
Cliffe, PE8 6XX**

**Examining Authority's Report of Findings,
Conclusions and Recommendations to the
Secretary of State**

**Jonathan Green
Examining Authority**

Date: 22 April 2013

- **File Ref: WS010001**

- The application, dated 7 March 2012 and received by the Infrastructure Planning Commission on 14 March 2012 was made under Section 37 of the Planning Act 2008 (as amended) for a development consent order.
- The applicant is Augean South Limited.
- The application was accepted for examination on 11 April 2012.
- The examination of the application began on 26 July 2012 and was completed on 22 January 2013.
- The development proposed is for the alteration of existing and the construction of new facilities for the recovery and disposal of hazardous waste and the disposal of low level radioactive waste at the East Northants Resource Management Facility, Stamford Road, Kings Cliffe, Northamptonshire.

Summary of Recommendation: The Examining Authority recommends that the Secretary of State grant development consent and make the Order in the form attached.

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1 INTRODUCTION

- 1.1 On 14 March 2012 I, Jonathan Green, then a Commissioner with the Infrastructure Planning Commission (IPC) was appointed to exercise the powers and duties under section 55 of the Planning Act 2008 (PA 2008) in respect of the decision to accept the application from Augean South Limited (Augean) for a development consent order (DCO). On 1 April 2012, under the provisions of the Localism Act 2011, the Infrastructure Planning Commission ceased to exist and I continued to exercise those powers and duties as an Examining Inspector for the Planning Inspectorate.¹ I recommended that the Secretary of State should accept the application. This recommendation was accepted and the applicant was duly informed on 11 April 2012.²
- 1.2 On 2 July 2012 Dr Pauleen Lane, on behalf of the Secretary of State, notified all interested parties (IPs) and relevant prescribed consultees that on 12 June 2012 I had been appointed as the Examining Authority (ExA) to examine the application.³
- 1.3 The development proposed is for the construction and operation of a hazardous waste facility and other development to be constructed at the East Northamptonshire Resource Management Facility (ENRMF), Stamford Road, Kings Cliffe, PE8 6XX. It includes an increase in the capacity of an existing soil treatment plant at the site from 100,000 tonnes per annum (tpa) to 150,000 tpa of contaminated materials comprising predominately hazardous wastes, the construction of new landfill void for the disposal of hazardous wastes and low level radioactive waste (LLW) with an activity level of up to 200 Becquerels per gram (Bq/g) at a direct input rate of up to 150,000 tpa and the continuation of the filling with hazardous waste and low level radioactive waste of the landfill that is the subject of extant planning consents.
- 1.4 The proposed development was initially intended to be consented by way of an application for planning permission to the relevant local planning authority, Northamptonshire County Council (NCC), because section 30 of PA 2008 had not been brought into force at that time. Section 30 of PA 2008 was brought into force on 1 October 2011 and since the proposed development appeared to fall within the thresholds for a nationally significant infrastructure project (NSIP) in section 30, the application was submitted to the then Infrastructure Planning Commission on 14 March 2012 in

¹ The Infrastructure Planning Commission was abolished on 1 April 2012. The Infrastructure Planning (Transitional Provisions) Direction 2012 makes provision for anything so done by the Commission in relation to an application or proposed application prior to 1 April 2012, to be treated as if it had been done by the Secretary of State, where the Commission had previously been notified under section 46 of the Planning Act 2008 for that proposal.

² ENRMF1 & 2. References such as this, ASL9, SOCG3, etc are the document references in the electronic documents list attached as Appendix C

³ ENRMF3

accordance with PA 2008 and the associated regulations and guidance.

- 1.5 The application is Environmental Impact Assessment development as defined by Regulation 2(1) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended). It was accompanied by an Environmental Statement (ES) which in my view meets the definition given in Regulation 2(1) of these Regulations.⁴ As part of the original proposed application to NCC a scoping document was submitted to NCC and circulated to a wide range of consultees. A scoping opinion was received by Augean from NCC. The scoping opinion and the responses to the scoping document were taken into account by Augean where appropriate when undertaking the environmental impact assessments.⁵
- 1.6 The application has been examined under the provisions of PA 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) (EPR). The accepted application was advertised by Augean and 201 Relevant Representations were received from IPs. The rule 4 (notice of appointment) and rule 6 (notice of preliminary meeting) letters together with, amongst other matters, the initial assessment of principal issues were issued on 2 July 2012.⁶ A preliminary meeting was held on 26 July 2012 at which Augean and other IPs were able to make representations to the ExA about how the application should be examined.
- 1.7 The ExA's EPR rule 8 procedural decision setting out the timetable for the examination was issued on 3 August 2012 together with an initial set of questions addressed to Augean and others and the examination proceeded on that basis.⁷ A second round of questions was issued later in the examination and a number of additional questions and requests for information were issued under rule 17.⁸
- 1.8 Local impact reports (LIRs) were received from NCC, East Northamptonshire Council (ENC) and (jointly) Cambridgeshire County Council (CCC) and Peterborough City Council (PCC).⁹
- 1.9 An accompanied site visit to the application site, the surrounding area and neighbouring villages was made on 17 October 2012 and I also made unaccompanied visits to the local area.
- 1.10 An issue specific hearing on the topics of control of emissions, impact on health and transport was held on 18 and 19 October

⁴ ASL5 and associated appendices ASL6-22

⁵ ASL7 & 8

⁶ ENRMF3 & 4

⁷ ENRMF9

⁸ ENRMF10, 16, 23, 26 & 33

⁹ NCC/3/LIR, ENC/2/LIR & PCC/2/LIR

2012. An open floor hearing was requested and was held on 6 December 2012. A further issue specific hearing on local impact reports, the draft DCO and the draft S106 agreement was held on 7 December 2012.

- 1.11 In accordance with sections 83(1)(b)(i) and 83(1)(b)(ii) of PA 2008, this report sets out my findings and conclusions in respect of the application and my recommendation to the Secretary of State as to the decision to be made on the application.

2 MAIN FEATURES OF THE EXISTING SITE AND PROPOSED DEVELOPMENT

- 2.1 The ENRMF site lies approximately 1.7km east south east of Duddington and approximately 2.6km north of Kings Cliffe village in the East Northamptonshire district of Northamptonshire. RAF Wittering lies approximately 2km to the north east of the site. The application site occupies approximately 31 hectares and the land in the application area is owned by Augean. The boundary of the application site (hereafter 'the site') is shown in red on the Land Plan submitted with the application.¹⁰
- 2.2 The setting is generally rural with the majority of the land surrounding the site comprising open farmland or woodland. The properties in the immediate vicinity and to the east of the site are Westhay Cottages, a terrace of three dwellings and Westhay Farm (with associated agricultural and commercial buildings from which a number of businesses, including a haulage business, operate). The only other property in the vicinity is Westhay Lodge which is approximately 0.8km to the south. The location of the site in relation to local villages, roads and other features can be seen on the site location map (Figure PS1) attached to the Planning Statement.¹¹
- 2.3 The site is currently operated as a hazardous waste and LLW landfill facility with a soil treatment and recycling plant, a surface water management facility and a landfill gas management compound with a flare stack. There are also restored and partially restored landfill areas. Site infrastructure includes site access, waste reception facilities including a weighbridge, car parking areas, site offices, welfare facilities, cess pit, storage areas, laboratories and wheel and vehicle body washing facilities.
- 2.4 The site also has a number of other features some of which would remain as part of the proposed development. There are screening bunds along the western, southern, and eastern boundary of the site adjacent to Stamford Road. The proposals include an extension to the screening bunds along the southern and eastern boundary of the site.¹²
- 2.5 There are also health, safety and security features at the site including: a system of monitoring points; closed circuit television; outdoor lighting; a weather station; and a two way radio mast. A 1.8m high fence is in place around the site boundary and there are gates at the site entrance which are locked outside operating hours.¹³

¹⁰ ASL24

¹¹ ASL79

¹² ASL25

¹³ ASL25

- 2.6 Access to the site is from Stamford Road, a minor road adjacent to the eastern boundary of the site. This road runs from the A47 to the north to Kings Cliffe to the south.
- 2.7 To the south and west of the site there is open agricultural land. Collyweston Great Wood is adjacent to the northern boundary and to the east north east of the site is an area of woodland known as Easton Hornstocks. Parts of Collyweston Great Wood and Easton Hornstocks comprise a Site of Special Scientific Interest (SSSI) and a National Nature Reserve (NNR).
- 2.8 There are no public rights of way that cross or are adjacent to the site.
- 2.9 The currently permitted landfill is divided into five phases with each phase divided into two cells. Landfilling is complete in Phases 1, 2 and 3 which have been capped. Landfilling is currently being completed in cell 4B and cell 5A has recently been engineered to accept waste. Permission to dispose of LLW to landfill which was granted in 2011 only applies to cells 4B, 5A and 5B of the existing development. The extent of the currently permitted landfill area (which occupies the eastern part of the site), the soil treatment plant and other associated facilities are shown on the Works Plan which accompanied the application.¹⁴

PLANNING HISTORY

- 2.10 The site has a long history of development for clay extraction and later for waste management and disposal. Planning permission for clay extraction was first granted in 1957 with extensions in 1963 and 1967. Planning permission for infilling with inert waste material was granted in 1994 and a number of further permissions were granted including permission for a waste recycling and storage facility. In 2006 planning permission EN/05/1264C was granted for the landfilling of hazardous waste materials and the use of inert waste materials for restoration purposes. This superseded all previous permissions and supplanted all the conditions in previous permissions. Augean signed a s106 agreement with NCC on 29 June 2006 under which the only ongoing obligation was to pay £5,000 annually until 2013 to be used for highway maintenance and improvement in the vicinity. This replaced an earlier s106 agreement which provided for an annual contribution of £2,000.
- 2.11 Later in 2006 permission EN/06/01517/CRA was granted for the installation and operation of a gas flare and surface water pumping station and in 2008 permission 07/00048/WAS and 07/01838/NCC was granted for the installation and operation of a soil treatment facility.

¹⁴ ASL25

- 2.12 In July 2009 planning application reference 09/00053/WAS was submitted to NCC for the landfill disposal of low level radioactive waste with an activity of up to 200Bq/g in addition to the consented hazardous waste. The application was refused in March 2010. Augean PLC appealed against the decision and a Public Inquiry into the decision was held in October and November 2010. A decision was made by the Secretary of State on 24 May 2011 to allow the appeal and grant planning permission.
- 2.13 A legal challenge to this grant of planning permission was lodged on 5 July 2011. The challenge was unsuccessful in both the High Court and on appeal in the Court of Appeal. The claimant applied for permission to appeal to the Supreme Court in January 2012 and this was refused by the Court of Appeal. The planning permission was implemented in December 2011.
- 2.14 Augean signed a further s106 agreement with NCC, in relation to this planning permission, dated 5 November 2010. Augean agreed to pay £5 for every tonne of LLW accepted at the site into a community fund to be set up by NCC. These funds are to be used to provide financial support for various social and economic projects in the local community.
- 2.15 The planning consent for the landfill (cells 1–5 on the Works Plan ASL25) states that it shall be progressively restored and completed not later than 31 August 2013 and the consent for the soil treatment and recycling facility (which is on the western part of the site) states that it shall cease operating by the same date. In April 2012 Augean applied to NCC under section 73 of the Town and Country Planning Act 1990 (TCPA 1990) to, in effect, vary the end dates set out in conditions on the three planning permissions relating to the soil treatment plant, and landfill of both hazardous and LLW to 31 December 2016. That application was still under consideration at the start of this examination and was determined by NCC on 25 October 2012 when the extension of the end dates was agreed. A revised s106 agreement covering both the contribution for highway maintenance and the contributions to the community fund was signed to reflect the changed end dates.

Environmental permits

- 2.16 In addition to the planning permissions, operations at the site are also subject to pollution control which is the responsibility of the Environment Agency (EA).
- 2.17 The EA is an adviser to Government with the principal aim to protect and improve the environment so as to contribute to sustainable development in line with Government advice. It plays a central role in delivering the environmental priorities of central government through its functions and roles. It is also an adviser to local decision makers as a statutory consultee in respect of

particular types of development including applications for development consent.

- 2.18 The EA takes action to conserve and secure proper use of water resources, preserve and improve the quality of rivers, estuaries and coastal waters and groundwaters through pollution control powers and regulating discharge consents. It has regulatory powers in respect of waste management and remediation of contaminated land designated as special sites. It also encourages remediation of land contamination through the planning process. The EA is also the principal flood risk management operating authority with a strategic overview role for all flood and coastal erosion risk management.
- 2.19 Under the Environmental Permitting (England and Wales) Regulations 2010 (the 2010 Regulations) activities such as those proposed in the application can only be carried out under the terms of a permit issued by the EA as designated regulator.¹⁵ The 2010 Regulations set out the EA's duties and powers in respect of environmental permits. Disposal of LLW, which had previously been subject to authorization under the Radioactive Substances Act 1993, is now included within the scope of the 2010 Regulations.
- 2.20 Augean currently operates at the site under environmental permits issued under The Environmental Permitting (England and Wales) Regulations 2007 and the 2010 Regulations. Environmental permit TP3430GW covers the landfilling of hazardous waste, management of landfill leachate, landfill gas, surface water and the handling of drums. It imposes limits on the level of leachate, gas, groundwater and surface water. Permit YP3138XB relates to the operation of the soil treatment, stabilisation and bioremediation plant. Dust and odour are identified as the main environmental issues and are addressed through operational and point source abatement techniques. Permit CD8503 authorises the receipt and disposal of radioactive waste at the site. This defines the limits on radioactivity of material to be disposed at the site and the disposal methods. Each of the permits defines operating conditions, sets monitoring requirements for emissions to water and air and prescribes record keeping and reporting arrangements.¹⁶
- 2.21 The environmental permits are separate from and do not form part of the planning permissions that have been granted. Augean requires both planning permission and environmental permits in order to carry on its activities at the site.

¹⁵ PD9

¹⁶ ASL9

THE APPLICATION

2.22 The application, as set out in the draft DCO as submitted with the application comprises:¹⁷

- Works No. 1 A hazardous waste landfill facility for the disposal of hazardous waste and low level waste on the area and phases identified on the works plan including a landfill gas pump and gas flare, extraction and stockpiling of clay and other suitable materials for engineering purposes and the exportation of some clay and other suitable materials, all other associated engineering works to construct the landfill phases including a leachate collection system.¹⁸
- Works No.2 A hazardous waste facility, namely the alteration of an existing soil treatment facility the details of which are as shown on the plan Elevations of the infrastructure associated with the soil treatment plant (WS010001/ENRMF/PLANS/ELEVATION5) with an increase from the currently consented capacity of 100,000tpa to 150,000tpa of contaminated materials comprising predominantly hazardous wastes and comprising a modular plant located on a concrete pad with associated surface water drainage and collection and adjacent stockpiles.¹⁹ The components of the plant include stocking areas and stocking bays with concrete A frame walls, process, reagent and water or other liquid storage tanks and silos, feed hoppers, screens, conveyors, washing units, separators, mixing vessels, sedimentation units, bioremediation area, a mobile crusher on a campaign basis, open concrete lined settlement tanks, a process control office and staff welfare facilities, bunded fuel storage tanks and an electricity generator in an insulated container.
- And in connection with such works and to the extent that they do not otherwise form part of any such work, further associated development and/or ancillary works shown on the plans referred to in the requirements including:-
 - (a) wheel cleaning facilities
 - (b) surface and foul water drainage
 - (c) weighbridge
 - (d) surface water pumping station;
 - (e) laboratory;
 - (f) canteen;

¹⁷ ASL3

¹⁸ ASL25

¹⁹ ASL31

- (g) offices;
- (h) cess pit;
- (i) leachate storage tanks;
- (j) fuel storage tanks;
- (k) monitoring boreholes;
- (l) security cameras;
- (m) boundary fencing;
- (n) lighting;
- (o) car parking area;
- (p) internal site roads;
- (q) hardstanding and bunding;
- (r) surface water collection ponds;
- (s) The phased restoration of the land to woodland and grassland for ecological benefit and public access pursuant to the approved scheme under requirement 4 of this Order; and
- (t) The site will be subject to a ten year aftercare and maintenance period up to 2036. During this period a leachate storage tank, the gas flare, surface water pumping station and associated fuel storage will be retained at the site.

2.23 The proposed development constitutes an NSIP in accordance with section 14(1)(p) and section 30 of PA 2008. The proposed construction of new landfill capacity is in England (section 30(1)(a)) and the main purpose is expected to be the final disposal or recovery of hazardous waste (section 30(1)(b)). The proposed capacity for disposal of hazardous waste by landfill is more than 100,000 tonnes per year (section 30(2)(a)). The proposed alteration of the soil treatment plant also qualifies as an NSIP under the terms of section 30(3) and with an increase in capacity for the plant of more than 30,000 tonnes per year (section 30(4)(b)).

2.24 LLW is not included in the definition of hazardous waste specified in section 30(5) of PA 2008 and I therefore asked Auegan to provide a legal submission setting out why, and on what basis, it considered it appropriate to include the disposal of low level waste in the draft DCO when this is not hazardous waste as defined in PA 2008. In its response Auegan referred to section 115 of PA 2008.²⁰ This states in subsection (1) that "development consent may be granted for development which is (a) development for

²⁰ ASL203

which development consent is required: and (b) associated development." Augean considered that disposal of LLW in the hazardous landfill facility can fall within either of these categories. Section 31 states that "consent under this Act (development consent) is required for development to the extent that the development is or forms part of a nationally significant infrastructure project." In Augean's view use of the words 'forms part of' demonstrates that the development does not itself have to constitute an NSIP but also that the development can form part of an NSIP. In addition section 30 which defines hazardous waste NSIPs states that "the main purpose of the facility is expected to be the final disposal or recovery of hazardous waste." Augean argued that the facility would continue to be an NSIP notwithstanding that activities subsidiary to the main purpose of disposal of hazardous waste are carried on. Such subsidiary activities could for example include the disposal of other appropriate waste types.

- 2.25 Augean concluded on this point that 'It is considered that Sections 30 and 31 of the Act allow for the disposal of LLW in the hazardous landfill facility NSIP provided that it is subsidiary/subordinate to the main purpose of the NSIP which requires development consent. It is therefore development for which development consent is required and it is correct to characterise it as integral.'
- 2.26 Augean considered whether the disposal of LLW might also be regarded as associated development and be included in the DCO on that basis. Drawing on revised guidance on associated development put out for consultation by DCLG in April 2012 Augean concluded that the Secretary of State would have sufficient flexibility to make his decision on a case by case basis and that 'the disposal of LLW would fit well within the tenor of the proposed amended core principles.'
- 2.27 The draft DCO submitted by Augean with the application does not identify LLW as associated development and in this report I have considered it as an integral part of the development for which consent is sought not as associated development. Consideration is given later in this report to whether the inclusion of LLW as part of the waste to be disposed of at the site has any implications in terms of this proposed development remaining an NSIP.
- 2.28 The ES has not identified any significant impacts on any European sites. In a statement of common ground (SoCG) with Augean, Natural England has confirmed that there is no European site which may be affected by the proposed development and I am

therefore satisfied that the competent authority is not required to undertake an appropriate assessment.²¹

SUBSTANTIAL CHANGES

- 2.29 No substantial changes to the physical construction were proposed by the applicant during the examination of the application although a number of amendments were proposed to the draft DCO submitted with the application and these are reviewed later in section 6 of this report.

²¹ SOCG1

3 POLICY CONTEXT

HAZARDOUS WASTE

National Policy Statement

- 3.1 In July 2011 the Department for Environment, Food and Rural Affairs (DEFRA) issued a draft National Policy Statement (NPS) for Hazardous Waste.²² This is intended to provide a framework for decision making in relation to development consent applications for proposed hazardous waste infrastructure in England. At the time of completion of this report the NPS remained in draft. I have had regard to the July 2011 draft in carrying out the examination and in reaching my recommendations and conclusions but this report has been prepared on the basis that the decision in relation to this application is one that falls to be made under the provisions of section 105 of PA 2008 "Decisions in cases where no national policy statement has effect". This requires that the Secretary of State in reaching his decision must have regard to the local impact reports submitted, any matters prescribed and "any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision."
- 3.2 The draft NPS refers to the Government's Strategy for Hazardous Waste Management in England (the Hazardous Waste Strategy) which is aimed at the environmentally sound management of hazardous waste.²³ This refers to the waste hierarchy setting the priority order for managing waste – a) prevention, b) preparing for re-use, c) recycling, d) other recovery – eg energy recovery and e) disposal. Disposal as landfill is at the bottom of the hierarchy and is the management option of last resort.
- 3.3 Annex 2 to the Hazardous Waste Strategy states that hazardous waste landfill appears to be sufficient for current need. The draft NPS acknowledges this but adds that:
- "...the baseline for landfill is fluid as most landfills have time limited planning permission, which will require renewal over the next ten years. Renewal of such permissions is possible under the TCPA system, but not all operators will decide to seek renewal. Given that, and the fact that there will remain some waste streams for which landfill is the best overall environmental outcome, there may be future applications for development consent for nationally significant hazardous waste landfill."
- 3.4 The draft NPS states that 'Government has therefore concluded that there is a need for these hazardous waste infrastructure facilities. The IPC should start its assessment of applications for

²² PD14

²³ PD8

infrastructure covered by this NPS on the basis that need has been demonstrated.'

- 3.5 The Hazardous Waste Strategy identifies the planning system as pivotal to the adequate and timely provision of facilities for hazardous waste recovery and disposal close to where the waste arises, although hazardous wastes may need to be moved between regions to facilities that support national or multi-regional need. Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) sets out relevant policy for local and regional authorities on searching for and deciding which sites and areas to identify for waste management facilities, including hazardous waste facilities.²⁴
- 3.6 The draft NPS notes that hazardous waste as defined in PA 2008 does not cover waste classified as radioactive waste. Facilities for radioactive waste are therefore outside the scope of the NPS. I consider the policy position in relation to LLW further below, in paragraphs 3.19-3.30 of this report.

National Planning Policy Framework

- 3.7 The National Planning Policy Framework (NPPF) was published in March 2012, after the application had been submitted.²⁵ The NPPF sets out the Government's planning policies for England and how these are expected to be applied.
- 3.8 The NPPF states that it
- "does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. These are determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and are a material consideration in decisions on planning applications."
- 3.9 The NPPF revoked and replaced a number of Planning Policy Statements (PPS) including PPS1, 5, 9, 23 and 25 that were in place at the time the application was prepared. These are extensively referenced in the application along with consideration of the draft NPPF. The NPPF does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. Until that plan is published PPS10 remains in force.

²⁴ PD13

²⁵ PD17

PPS10: Planning for Sustainable Waste Management

3.10 PPS10 requires regional planning bodies to prepare regional spatial strategies (RSS) which aim to provide sufficient opportunities to meet the identified needs of their area for waste management for all waste streams. In turn, planning authorities should prepare local development documents that reflect their contribution to delivering the RSS. Regional and local policies are considered below.

3.11 PPS10 states that:

“In considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities. ... The planning and pollution control regimes are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of land. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.”²⁶

3.12 The draft NPS contains similar guidance stating that consideration of the application ‘should work on the assumption that the relevant pollution control regime will be properly applied and enforced. It should act to complement but not seek to duplicate it.’²⁷

Regional and Local Authority Policies

3.13 In addition to the national policies outlined above, regional and local authority policies are also a material consideration in considering the application. The North Northamptonshire Local Development Framework (NNLDF) is made up of a number of local development documents including the North Northamptonshire Core Spatial Strategy (NNCSS) and the Rural North, Oundle and Thrapston Plan (RNOTP).

3.14 The Northamptonshire Minerals and Waste Development Framework (MWDF) is made up of a number of separate Development Plan Documents (DPD) including the Core Strategy

²⁶ PD13

²⁷ PD14

(MWDF CS) (May 2010),²⁸ the Locations for Waste Development (LWD) (March 2011),²⁹ the Location of Minerals Development (LMD) (March 2011)³⁰ and the Control and Management of Development (CMD) (June 2011).³¹

3.15 The DPDs within the NNLDF and the MWDF along with the East Midlands Regional Plan (EMRP) form the local development plan context for the site. Both the NNCSS and the RNOTP recognise the need to manage waste effectively. The MWDF Core Strategy DPD and the Control and Management of Development DPD identify the site as a specialist hazardous waste management facility of national significance. The LMD identifies the clay extraction operation at the site. The LWD identifies the site as a hazardous waste management and disposal facility. There are no policies regarding LLW in these local plans.

3.16 The EMRP RSS was published in March 2009 and forms part of the statutory development plan for every local authority in the East Midlands region including NCC and ENC.³² The EMRP sets out regional priorities for waste management. Hazardous waste only constitutes about 1 percent of waste generated in the region but the RSS recognises that some further capacity may be needed to deal with hazardous waste. It is stated (Policy 38) that:

“Waste development plan documents should secure high standards of restoration and, where appropriate, the aftercare of waste management facilities to contribute to the objectives of the regional spatial strategy, particularly those relating to biodiversity, recreation and amenity.

Waste facilities should also be sited to avoid the pollution or disturbance of designated nature conservation sites of international importance. Increased traffic levels on roads near to sensitive sites should also be avoided.”

3.17 Government has announced its intention to revoke the Regional Plans subject to a Strategic Environmental Assessment in relation to each Plan. The Strategic Environmental Assessment Report for the East Midlands Regional Plan was published for consultation on 23 October 2012, with a closing date for comments of 19 December 2012. The order revoking the East Midlands RSS was laid on 18 March 2013 and came into effect on 12 April 2013, shortly before the completion of this report.

3.18 The Northamptonshire MWDF has been prepared in accordance with the RSS and will remain in place after the RSS has been revoked. The MWDF Core Strategy states that the specialist

²⁸ PD10

²⁹ PD20

³⁰ PD19

³¹ PD21

³² PD6

hazardous waste management facility at King's Cliffe is of national significance, that there is an undersupply of such facilities and that its national specialism should be maintained in addition to continuing to have a regional role. NCC's CMD policies for hazardous waste development require applicants to demonstrate need, catchment area, sustainability and compliance with the waste hierarchy. Under this policy preference would be given to extensions of existing sites.

LOW LEVEL RADIOACTIVE WASTE

- 3.19 Neither the draft NPS nor the Northamptonshire MWDF provide policy on the disposal of LLW. However NCC has expressed concern that disposal of LLW at the site would reduce the capacity that is available for disposal of hazardous waste
- 3.20 National policy on disposal of radioactive waste, including LLW, is set out in Policy for the Long Term Management of Solid Low Level Radioactive Waste in the UK (the Radioactive Waste Policy), published in 2007.³³ LLW is defined in Permit CD8503 issued to Augean by the Environment Agency as "solid radioactive waste, including any immediate packaging, with a maximum concentration of 4 gigabecquerels per tonne of alpha emitting radionuclides and 12 gigabecquerels per tonne of all other radionuclides".
- 3.21 Very Low Level Waste (VLLW) is a subcategory of LLW that is either "low volume" or "high volume" VLLW. At the lower end of activity disposal of VLLW is exempt from permit control. The 2007 Policy document however pointed to the need for controls on the total volumes of VLLW in the high volume category being deposited at any one particular landfill site. Augean's permit application was for "disposal of solid LLW of up to 200Bq/g including High Volume Very Low Level Radioactive Waste (HV-VLLW)".
- 3.22 The Radioactive Waste Policy adopts the waste hierarchy principles of avoiding the creation of waste where possible and reducing its volume. It recognises that there will be a need for some waste disposal facilities for radioactive waste. '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.'
- 3.23 The Radioactive Waste Policy advises wide stakeholder engagement as part of the development of any scheme for the disposal of LLW.

³³ PD4

“Nuclear operators’ proposed programmes and plans for the management and disposal of LLW should be developed by including wide stakeholder engagement to allow for an equitable approach. Such engagement should involve communities which may be impacted by the plans, including any host community in the vicinity of a waste treatment or disposal facility, and the local authorities concerned (defined in this document as ‘local communities’). Government believes that early involvement by communities and stakeholders is both necessary and beneficial. When environment agencies consult on applications to dispose of LLW from nuclear sites they should take account of operators’ consultations and adopt a proportionate approach. Non-nuclear operators do not need to consult the public on their LLW management plans. However, the regulators’ consideration of any applications for an authorisation to dispose of LLW from non-nuclear producers can include consultation.

Guiding principles that should apply to such consultations are:

- provision for early local community input into the decision-making process;
- openness and transparency at all stages;
- provision of well prepared, good quality, accurate and easily understandable briefing material;
- use of an iterative consultation process where appropriate”

3.24 The Nuclear Decommissioning Authority (NDA) is responsible for the decommissioning and clean-up of the UK's civil public sector nuclear sites and published the UK Strategy for the Management of Solid Low Level Radioactive Waste from the Nuclear Industry in August 2010 (the NDA Strategy).³⁴ This reflects and implements national policy. The NDA Strategy reiterates the need for extensive stakeholder consultation.

3.25 The NDA Strategy identifies high standards of health, safety, security, environmental protection and public acceptability as central to the development of appropriate waste management plans and their implementation. It is for the developer and the local authority to reach appropriate agreement on the acceptability of any new proposals.

3.26 In March 2012, Government also set out a Strategy for the Management of Solid Low Level Radioactive Waste from the Non-nuclear Industry in the United Kingdom: Part 1 – Anthropogenic radionuclides.³⁵ This provides guidance for planning authorities, waste producers and others but does not introduce any new concepts, policies or requirements. Government is also consulting on a strategy for the management of waste for naturally occurring

³⁴ PD11

³⁵ PD16

radioactive materials (NORM), particularly from the oil and gas sectors.

- 3.27 Both the draft NPS and the NDA Strategy refer to the proximity principle that 'waste should be disposed of in one of the nearest appropriate installations' but it is recognised that 'In the case of radioactive wastes, as with some hazardous wastes, the number of appropriate facilities may mean that the nearest appropriate facility is a considerable distance from where waste is generated.'
- 3.28 The Framework Directive on Waste, save for certain exceptions does not allow the co-disposal of hazardous and non-hazardous waste.³⁶ Radioactive waste is not covered by the definitions of hazardous and non-hazardous wastes in the Waste Framework Directive (WFD) or the Landfill Directive³⁷ and is therefore not included in this prohibition.
- 3.29 Notwithstanding that radioactive wastes are not wastes as defined and controlled through the Landfill Directive or Waste Framework Directive, the permit issued to Auegan (paragraph 2.20 above) for the disposal of LLW set conditions to achieve the appropriate environmental protection taking into account the non-radiological as well as the radiological properties of the LLW deposited at the site³⁸.
- 3.30 The NDA has stated that 'Government is aware of no reason to preclude co-disposal of LLW (including VLLW) with controlled wastes including non-hazardous and hazardous wastes that can be disposed of under the Landfill Directive at landfill sites.'³⁹

³⁶ Directive of European Parliament and Council 2008/98/EC, Article 18.

³⁷ Council Directive 1999/31/EC

³⁸ ASL9

³⁹ SOCG6

4 GENERAL CONSIDERATIONS

NEED

Hazardous waste

- 4.1 As noted above the draft NPS states that my assessment should start on the basis that need for hazardous waste disposal facilities has been established. Since this is only a draft statement I have looked behind this to information which supports the need for new capacity.
- 4.2 The NCC MWDF provides estimates of the hazardous waste arising in the County. In 2007 62,700 tonnes of hazardous waste were generated and this is expected to rise to 82,000 tpa by 2026. Of this 32,000 tpa is expected to go to landfill with a further 8,000 tpa being recycled and re-used. The MWDF recognises the specialist nature of the Kings Cliffe facility and that it has a national catchment area. It also recognises concern that there is an undersupply of facilities in the wider London and south east regions. 'On this basis the focus of the role of the Northamptonshire facility should be one where (a) its current particular national specialisms in hazardous waste are maintained, and (b) it continues to have a regional role by supporting the management of hazardous waste in the region.'
- 4.3 At the national level, Annex 1 to the Hazardous Waste Strategy shows 6.6 million tonnes of hazardous waste sent for disposal or recovery in 2008.⁴⁰ Over 1 million tonnes were sent to landfill. It was considered that there was enough landfill capacity for current needs but also recognised that some of the facilities have time limited planning permissions which may require extension in due course.
- 4.4 Data from the EA show a significant fall in the amount of hazardous waste disposed of to landfill, falling from 2.3 million tonnes in 2001 to 0.5 million tonnes in 2010. Since 2005 the ENRMF has received on average 132,000 tonnes of hazardous waste directly to landfill (117,000 tonnes on average if the exceptionally high levels in 2008, resulting from the development of the Olympic site, are excluded). In 2010 nearly 90,000 tonnes of material were input to the soil treatment plant.⁴¹
- 4.5 These figures show a significant continuing level of demand for hazardous waste landfill capacity. The ENRMF is one of eight such facilities in the UK and the only such landfill facility in the east and south east of the country that accepts a wide range of hazardous waste. If the ENRMF were to close in 2016 (at the end of the current planning permissions) there would be a significant gap in

⁴⁰ PD8

⁴¹ ASL79

the availability of disposal and soil treatment facilities with no indication that the demand for such facilities would have fallen. In my view this supports the draft NPS policy that need has been established.

Low Level Waste

- 4.6 The main sources of LLW are decommissioning activities associated with nuclear energy development, nuclear power generation and the weapons industry. In addition there is a range of other activities, including universities, hospitals and industry which use radioactive materials and generate LLW.
- 4.7 At present the Low Level Waste Repository (LLWR) near Drigg in Cumbria is the main site for the disposal of LLW from both the nuclear and non-nuclear industries. The NDA Strategy recognises that the UK will generate significantly more LLW than the potential disposal capacity at LLWR and that there is a need for alternative ways to manage LLW, including treatment and where necessary, the use of alternative disposal routes.
- 4.8 The NDA Strategy aims to apply the waste hierarchy more effectively to LLW and reduce the amount going to disposal. It is recognised that disposal capacity is a limited resource to be used sparingly and as a last resort. The LLWR is a highly engineered facility. The NDA Strategy states that 'in order to make best use of the facility it is important that only wastes that require engineered multi-barrier containment are consigned to the site for disposal. Appropriate alternative waste management routes must be used for wastes diverted from LLWR in the future.'
- 4.9 In its application Augean noted that, at present, apart from the LLWR and the ENRMF the only other site in England accepting LLW of up to 200Bq/g for landfill is Clifton Marsh in Lancashire. There is a facility under construction at Dounreay in Scotland which will accept waste from the HMS Vulcan Naval Reactor Test Establishment. There was also an application for a further landfill site at Keekle Head in Cumbria.⁴² The ENRMF is the only site accepting LLW for landfill in the centre and south of England.⁴³
- 4.10 The 2010 UK Radioactive Waste Inventory forecast that the annual arisings of LLW including VLLW from the nuclear industry would average approximately 40,000m³ per year until 2020 and 30,000m³ per year up to 2030 (ASL79, 21.4.25). Not all of this would go to landfill but separate enquiries by Augean of the main LLW waste generators in the South of England suggest that around 20,000m³ per year would require to be disposed of in this way. There will be additional LLW for disposal arising in the north of

⁴² The Keekle head application was rejected by Cumbria County Council in 2012 but is the subject of a planning appeal.

⁴³ ASL79

England. A number of relevant representations received from LLW generators supported the continuing need for disposal facilities.⁴⁴

- 4.11 It is clear that there will be a continuing requirement for LLW landfill disposal facilities in the period up to 2026 covered by this application. LLW with an activity level of up to 200 Bq/g (the maximum level proposed for acceptance at the ENRMF) does not require the high level of engineered containment provided by the LLWR and alternative means of disposal are required for this material where this cannot be managed further up the waste hierarchy. The use of the ENRMF site for this purpose would contribute to meeting that need.

ADEQUACY OF CONSULTATION

- 4.12 PA 2008 includes, as part of the pre-application procedure for a proposed NSIP, a duty to consult local authorities, prescribed persons and the local community (no consultation was required in respect of acquisition of land). As noted above (paragraph 3.23) the Radioactive Waste Policy also identifies wide stakeholder engagement with the local community as an essential part of the development of LLW disposal facilities.
- 4.13 As far as the PA 2008 requirement goes the adequacy of consultation was something that was considered before the application was accepted for examination. The applicant had produced a statement of community consultation and provided a full report on this consultation and relevant local authorities had submitted their views that the consultation had been adequate.⁴⁵ The decision to accept the application for examination confirmed that all pre-application consultation under the PA 2008 had been satisfactorily carried out.
- 4.14 The consultation carried out covered all aspects of the proposed development including the disposal of LLW. There was also earlier consultation carried out as part of the 2009 planning application related to LLW. The local community has therefore had extensive engagement with the applicant on this issue over several years. This has included public meetings, open days at the site, provision of written information and the opportunity to make written submissions. The public inquiry following the appeal against the refusal of the 2009 application also provided further opportunities for local communities to express their views. Overall I am satisfied that the consultation requirements of both PA 2008 and the national policy for LLW management have been met. The requirement for consultation does not mean that all areas of disagreement will be resolved. There continues to be strong local opposition to the proposed development and the concerns raised are considered later in this report.

⁴⁴ MNX/1/RR, OGU/1/RR, RSR/1/RR, TES/1/RR, UKA/1/RR

⁴⁵ ASL38 and associated appendices

LOCAL IMPACT REPORTS

Northamptonshire County Council

- 4.15 NCC's LIR assesses the application against the relevant parts of the Northamptonshire MWDF.⁴⁶ The MWDF Core Strategy recognises the hazardous waste management facility as being of national significance being the only one in the East Midlands, East of England, South East and London regions. It is NCC's view that there is an undersupply of such facilities and the focus of the facility should be one where its national specialism in hazardous waste is maintained and it continues to have a regional role. NCC concludes that 'subject to the proposed draft DCO it is considered that there are no MWDF policies that would justify an objection to the principle of hazardous waste treatment and disposal at the site.' NCC policies also recognise the possibility of clay extraction from the site.
- 4.16 Since there are no local policies in respect of the disposal of LLW, this matter is left for the Examining Authority to consider in relation to national policy. NCC expresses concern that infilling the site with LLW would proportionally reduce the overall capacity of the site for hazardous waste disposal. NCC considers that given the importance of the site as a hazardous waste facility recognised in the MWDF, this is a factor that should be taken into account by the Examining Authority.
- 4.17 The LIR draws attention to the significant local opposition to the proposal with representations on amenity, highways, health/pollution and socio-economic impacts. The report notes that there have also been representations in support of the development from members of the public, Augean employees, businesses and producers of hazardous waste and LLW. The LIR states that the local community considers that the site would have a negative impact on the area, despite significant contributions from the Landfill Tax and the establishment of a community fund. There are positive impacts for the wider community associated with employment and support for local businesses. For the UK as a whole there is the provision of a nationally significant waste treatment and disposal facility with related economic benefits.

East Northamptonshire Council

- 4.18 ENC's local impact report expresses strong concerns about the proposal.⁴⁷ It supports and does not repeat concerns raised by NCC. In addition it raises concern about the long delay in restoration of the site, local residents' concerns about health and environmental risks, issues still to be resolved with the Environment Agency (EA) and the Health Protection Agency (HPA)

⁴⁶ NCC/3/LIR

⁴⁷ ENC/2/LIR

and the provision of funding for future monitoring and aftercare work. A number of these concerns were addressed in a subsequent SoCG between ENC and Augean.⁴⁸

Cambridgeshire County Council (CCC) and Peterborough City Council (PCC)

- 4.19 CCC and PCC submitted a joint local impact report since they had worked collaboratively to produce the Minerals and Waste Planning Development Plan Documents for their area.⁴⁹ There is no allocation in their plan area for general hazardous waste landfill given the small amount of waste arising in Peterborough and Cambridgeshire and the proximity of the Kings Cliffe site.
- 4.20 CCC and PCC considered that in terms of traffic impact and impact on amenity of those living in Peterborough and Cambridgeshire the impacts will be very minimal and not noticeably any different from the current authorised site activities. They also considered that the proposal is not in conflict with the waste and minerals development plan documents and the impact on their areas will be negligible. They therefore raised no objections to the proposals.

⁴⁸ SOCG7

⁴⁹ PCC/2/LIR

5 EXAMINATION ISSUES AND FINDINGS

- 5.1 Prior to the preliminary meeting I set out (as required by section 88 of PA 2008) a list of the principal issues that I expected to address in the examination. These are shown below.

1. Ecology and landscape

1.1 Potential impacts on Collyweston Great Wood and Easton Hornstocks SSSI/NNR, Bonemills Hollow SSSI, Bedford Purlieus SSSI, Great Crested Newts and other nearby ecological receptors.

1.2 Effect on the rural character of the area.

1.3 Visual impact of silos, stockpiles and restoration.

2. Health

2.1 Potential impacts on health if there are leakages of harmful material from the site either during its proposed operational period or after closure. This is of particular concern in respect of radioactive material. Health effects to be considered include impact on site workers, local residents, children in local schools and visitors to the area.

2.2 Adequacy of the radiological risk assessment.

3. Hydrogeology⁵⁰

3.1 The possible penetration of hazardous materials into groundwater and aquifers resulting from failure of containment mechanisms, spillage, accident or other causes.

3.2 Modelling of possible propagation of hazardous materials.

3.3 Recovery and disposal of leachate during operation of the site and after closure.

3.4 Adequacy of the hydrological risk assessment

4. Other policy and consenting matters

4.1 Location of the site in relation to sources of waste, compliance with the 'Proximity Principle' and the effect on the availability of other sites for disposal of hazardous waste and LLW.

4.2 Other consenting requirements including Environment Agency permits and consideration of the Environment Agency's guidance on Groundwater Protection: Policy and Practice.

⁵⁰ This heading was mistakenly given as Hydrology in the original list. This was corrected at the Preliminary Meeting as shown here.

5. Safety and site management

5.1 The safety of mixing hazardous waste and LLW and the possible risk of explosion or other effects leading to leakage of harmful material from the site.

5.2 The long term stability of materials used in the packaging of waste for disposal and in the construction of the waste disposal cells.

5.3 The long term monitoring and management of the ENRMF.

5.4 Adequacy of the proposed emissions monitoring arrangements for identifying any harmful emissions.

5.5 Arrangements for site security.

5.6 Safety of hazardous waste and LLW in transit.

6. Social and Economic

6.1 Creation of employment on site and in supplier companies.

6.2 Effect on other local economic activity such as tourism.

7. Traffic and transport

7.1 The baseline used for assessing the impact of transport movements.

7.2 Types of vehicles used and numbers of vehicle movements during the construction, operation and restoration of the proposed development and the impacts of these on the local road network.

7.3 Suitability of road access and safety concerns.

5.2 I noted that a number of these principal issues had an interrelationship and overlap and this would be reflected in the examination. I decided that a number of issues should be discussed at an issue specific hearing in order to allow for adequate examination and for IPs to have a fair chance to put their case. Issues were grouped under the headings of control of emissions, impacts on health (including the perception of harm) and transport issues. I have used these headings in the following three sections to discuss my findings on the main issues listed above. Any remaining issues that I consider need to be addressed are reported under the heading of 'Other Impacts'.

CONTROL OF EMISSIONS AND IMPACT ON HEALTH

5.3 Concerns about emissions from the site and possible consequences for health were the most frequently cited reasons for objecting to the proposed development. I deal with emissions first because

many of the concerns about health impacts are directly related to whether emissions can be successfully controlled.

- 5.4 Responsibility for setting limits on emissions, monitoring compliance and, if necessary, taking enforcement action lies with the EA. Environmental permits issued by the EA are in place for the current ENRMF activities (see paragraph 2.20 above). PPS10 and the draft NPS both state clearly that I should focus on whether the development itself is an acceptable use of the land and the impacts of its use. I should work 'on the assumption that the relevant pollution control regime will be properly applied and enforced' (see paragraphs 3.11 and 3.12 above). I have followed that draft policy and guidance but I do not consider that this precludes consideration of pollution control issues. In order to be able to assess the impact of the development I need to understand what limits and controls are currently in place or will be imposed on emissions, how those limits will be implemented and, to the extent that limits are not already in place, that the EA will be able to impose limits in future that it considers necessary to meet its statutory obligations.

Emissions to water

- 5.5 The ENRMF is located on clays of the Rutland formation which lie above the Lincolnshire Limestone which is classified as a Principal Aquifer but not as a Source Protection Zone by the EA.⁵¹ Based on groundwater elevation data for the area at and around the site, the ES states that the direction of groundwater flow in the Lincolnshire Limestone is to the south and east of the site. The flow is towards the village of Kings Cliffe and water emerges at springs in the village leading into the Willow Brook. The Willow Brook in turn flows into the River Nene. There is one licensed groundwater abstraction, two deregulated groundwater abstractions and five private water groundwater abstractions within 3km of the site used for agricultural, industrial and domestic purposes. There is surface water abstraction from the River Nene 8km downstream from its confluence with the Willow Brook. This is pumped to Rutland Water and feeds into the public water supply.⁵² The description of the water resources has been agreed by the EA in its SoCG.⁵³
- 5.6 The site is in an area designated as Flood Zone 1 (defined as an area having less than 1 in 1000 annual probability of flooding). A flood risk assessment has been carried out taking into account the

⁵¹ Principal Aquifers are defined by the Environment Agency as layers of rock or drift deposits that have high intergranular and/or fracture permeability - meaning they usually provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. The EA has defined Source Protection Zones (SPZs) for 2000 groundwater sources such as wells, boreholes and springs used for public drinking water supply. These zones show the risk of contamination from any activities that might cause pollution in the area. The closer the activity, the greater the risk.

⁵² ASL5

⁵³ SOCG4

anticipated effects of climate change. Mitigation and adaptation measures are included in the surface water management plan that is approved by the EA as part of the environmental permits. The EA has agreed that the calculations show that there is adequate capacity for the drainage system to accommodate the runoff during 1 in 100 year storm events without flooding.

Issues raised

- 5.7 The major concern expressed in respect of emissions to water was with the possibility of radioactive material from LLW leaving the site either in surface water or through seepage into groundwater. In either case this could find its way into local springs and rivers and into drinking water sources.
- 5.8 Dr Mason, a local resident and qualified hydrogeologist, submitted detailed evidence on the hydrogeology of the area.⁵⁴ On the accompanied site visit I was shown swallow holes and dolines (surface depressions caused by collapses in the underlying limestone) in the wood adjacent to the site which gave an indication of the fissured nature of the underlying limestone. I was also shown a deep well in a house at Westhay Lodge with running water at the bottom and the springs in the village of Kings Cliffe.⁵⁵
- 5.9 Dr Mason also drew attention to the EA's Groundwater Protection Policy as set out in Groundwater Protection: Principles and Practice (GP3). A revised draft of the policy was out for consultation at the start of the examination but was finalised in November 2012.⁵⁶ This set out in both the consultation draft and the final version the circumstances where a principal aquifer or source protection zone 3 may be a suitable landfill location.⁵⁷ These include the situation where a principal aquifer is known to be overlain by a significant thickness of low permeability clay drift. It is recognised that the natural geological barrier may need to be combined with 'an artificial enhancement of the mineral barrier – but there must be a predominant natural component to the barrier'. The draft GP3 went on to state (and this wording was retained in the final version):
- "It is a site-specific judgement whether or not an overlying geological barrier is 'substantial' for the purposes of dis-applying the position statement in this way. Thickness and permeability need to be taken into account in combination and the properties of the barrier need to be reasonably predictable. A barrier would not be substantial if unpredictable variability in the lithology or

⁵⁴ DGM/1/WR & DGM/2/WR

⁵⁵ I have had to take the running water in the well on trust since the lighting in the well was not working. The flowing water was seen by the Inspector in the earlier public inquiry (see ASL83).

⁵⁶ PD18

⁵⁷ A Source protection zone 3 is defined by the EA as the area around a source within which all groundwater recharge is presumed to be discharged at the source.

presence of natural or artificial by-pass routes could compromise its overall protective integrity. There should be a minimum of several metres of natural material such that

- any variations in its thickness over a site are insignificant in terms of the performance of the barrier;
- any construction/excavation activity at the site poses no risk of breaching the integrity of the barrier;
- it is clear that the geological barrier is substantial from a basic assessment of the site, which may include confirmatory site investigation data but without the necessity of very detailed site investigation or detailed quantitative risk assessment.”

- 5.10 Dr Mason argued that the engineering proposed for new voids at the ENRMF which only allowed for 0.5m of natural material did not conform to this policy. In his view the thickness of the Rutland Formation in the proposed western extension may not be sufficient to meet the requirement of ‘several metres’ of barrier and the lithological characteristics may be more permeable than had been assumed in modelling and could increase the risk of leachate leakage. The fissured nature of the limestone could lead to future collapse which could compromise the integrity of the landfill liner resulting in leakage which would contaminate the aquifer. The increase in the height of the landfill above the current land surface would increase the loading on the aquifer and may increase the risk of collapse. He considered there was a potential risk of contamination to the springs in Kings Cliffe and that risk was too high.
- 5.11 Dr Mason’s concerns about pollution of groundwater were supported by other representations from IPs.⁵⁸
- 5.12 A separate submission from Dr Cox raised specific issues about the possible transmission of tritium through the landfill liner and barrier by the process of molecular exchange and the way in which this had been modelled.⁵⁹
- 5.13 Concern was also expressed about the use of the SNIFFER model for analysing the risks associated with disposal of radioactive waste.⁶⁰ Attention was drawn to the SNIFFER Technical Reference Manual which states that ‘The framework may not be applicable to inert and hazardous landfill sites.’⁶¹

⁵⁸ CLS/1/RR, CLS/2/WR, CJNI/1/RR, DBS/1/RR, BPC/1/RR, LSE/1/RR, ADL/1/RR, MMA/1/RR, MGN/1/RR, MGS/1/RR, KNE/1/RR, SWR/1/RR, WNPC/1/RR, KPC/1/RR, MST/1/RR, PCL/1/RR, PCJ/1/RR, RMS/1/RR, RST/1/RR, RGD/1/RR, SST/1/RR.

⁵⁹ DCX/1/RR, DCX/2, DCX/4

⁶⁰ This model was developed by the Scotland and Northern Ireland Forum for Environmental Research (SNIFFER) to provide the regulators, and other stakeholders, with a consistent approach to assessing the potential for landfill sites to accept LLW. A description of the methodology is provided in ASL13.

⁶¹ (CLS/2/WR)

Risk assessment

Hazardous waste

- 5.14 The remaining void at the site (cell 5B on the Works Plan at ASL25), with planning permission for the disposal of hazardous waste and LLW until the end of 2016, will be engineered by excavation down to the underlying limestone followed by the installation of at least 1.5m of engineered clay with low hydraulic conductivity. This will be covered with a 2mm thick high density polyethylene (HDPE) liner. For the proposed new voids in the western part of the site 0.5m of the existing clay will be left in place above the limestone. A further 1m of engineered low permeability clay will then be added and a 2mm HDPE liner installed on top of this. The clay and liners provide the principal barriers to prevent leakage of hazardous substance or radioactive particles from the site. There are also arrangements for the management and monitoring of leachate. Separate provision is made for capping the cells with low permeability material during the restoration phase with a stable slope which will encourage the run-off of rain and minimise generation of leachate after the completion of the landfill.⁶² The engineering details for the proposed development and the management and monitoring of leachate would be secured through the environmental permits. The restoration of the site would be a requirement in the DCO.
- 5.15 As part of the EIA, Augean carried out a hydrogeological risk assessment (HGRA), based on the engineering features summarised above, assessing the risk from the disposal of hazardous waste.⁶³ This covered the time extension to 2016 of the existing permission for the operations at the site, the development of new voids for use between 2016 and 2026 and the increased capacity of the soil treatment plant. Each element of the proposed development was considered individually and cumulatively.
- 5.16 The risk assessment for hazardous waste was carried out using the LandSim model which Augean highlighted as being the EA's preferred approach. This model calculates contaminant concentrations for hazardous and non-hazardous substances at assumed monitoring points at the boundary of the site. These are assessed against Environmental Assessment Levels (EALs) representing the concentrations of substances above which it is considered that there may be a discernible discharge of hazardous substances to groundwater and pollution of groundwater by non-hazardous pollutants at the relevant receptors. EALs were selected based on guidance provided by the EA in 2010.

⁶² ASL5

⁶³ ASL17

- 5.17 The results of the LandSim modelling show that the predicted concentrations of the non-hazardous pollutants do not exceed the relevant EALs during the operational and post closure managed phases of the landfill.
- 5.18 The results of the LandSim modelling show that during the post closure phase the predicted concentrations of the non-hazardous pollutants do not exceed the relevant EALs. The maximum predicted concentrations during the post closure phase are marginally higher than the relevant EALs but do not exceed the relevant drinking water standards.
- 5.19 Leachate management and monitoring systems are in place as a requirement of the existing environmental permits and separate arrangements are in place for monitoring groundwater. The HGRA concluded that in respect of hazardous and non-hazardous pollutants, the site presents no significant risk to groundwater and is compliant with the Landfill Directive and the Environmental Permitting (England and Wales) Regulations 2010. The EA has confirmed in its SoCG that it has no objection to the proposals in respect of non-radiological environmental impacts and believes that the necessary controls can be achieved by way of environmental permit.⁶⁴

Low level waste

- 5.20 Augean commissioned a separate assessment of the risk of radiological exposure from LLW based on analysis to determine whether exposure to radioactivity could reach or exceed set average annual dose limits.⁶⁵ The legal dose limit for workers on site is 20mSv/yr and for members of the public is 1mSv/yr (0.3mSv/yr from a single source). These are set in the Ionising Radiation Regulations 1999. The design dose criteria for the operational phase of the site, are <0.3mSv/yr for workers and <0.02mSv/yr for members of the public. The HPA in its SoCG agreed that the design dose constraints were appropriate and in accordance with EA Guidance on Requirements for Authorisation for Near-surface Disposal facilities for Solid Radioactive Wastes.⁶⁶
- 5.21 The SNIFFER model was used to assess the radiological risks. It was recognised that the assessment of a hazardous waste site for the disposal of significant volumes of LLW was sufficiently different to the original application of the SNIFFER methodology to require a re-examination of the key assumptions. This re-examination identified several aspects of the overall methodology and the assessment model where different assumptions are required:

- Dose criteria and compliance points

⁶⁴ SOCG4

⁶⁵ ASL13

⁶⁶ SOCG2

- Barrier design and performance
 - Distribution of waste
 - Leachate concentration
- 5.22 The model was adapted to take into account site specific features and considered the potential impacts in the short, medium and very long term (thousands of years).
- 5.23 The modelling was stated by Augean to have been carried out using conservative assumptions. The proposed 0.5m in-situ geological barrier was disregarded in the risk assessment; it was assumed that the entire radiological inventory dissolves into leachate during the operational and management periods rather than a limited proportion; peak exposures to all isotopes are assumed to occur at the same time rather than being spread; future groundwater abstraction at the boundary of the site has been modelled although the nearest current abstraction is 1km away.
- 5.24 The principal modelling using these and other conservative assumptions was carried out in support of the original application for disposal of LLW in 2009 and the environmental permits that have been granted for this activity until 2013. It was concluded that the extension of permission for these activities to 2016 will not affect the conclusions of the original assessment. The ES states in respect of the time extension to 2016 that 'the doses of radiation to which members of the public may be exposed as a result of contamination via the groundwater and/or surface water pathways are below the relevant assessment criteria. The EA has confirmed that it agrees with the conclusions of the risk assessment.'⁶⁷ In the SoCG between Augean and the EA it is stated that 'it is agreed that the assumption made in the assessment of environmental impacts in the Environmental Statement that exposures will be controlled so that they do not exceed the dose criteria is reasonable.'⁶⁸
- 5.25 If development consent for the proposed development is granted a new environmental permit will be required for any addition to the radiological capacity covered by existing permit CD8503. Augean would be required to submit an updated radiological risk assessment following the same principles as have been applied for the existing LLW activity. This would be the subject of further consultation at the time of the new permit application. The EA will not grant the permit for the landfill disposal of LLW in the western landfill area unless it and its statutory consultees including the Health Protection Agency are satisfied that there are no unacceptable risks to human health and the environment.⁶⁹ The EA also confirmed in its SoCG that it was 'satisfied that potential

⁶⁷ ASL5

⁶⁸ SOCG4

⁶⁹ SOCG4

releases can be adequately regulated under the pollution control framework.⁷⁰ The EA's views were supported in a separate SoCG with the Health Protection Agency (HPA).⁷¹

- 5.26 On the issue of the EA guidance in GP3 (which was still in draft at the time), the SoCG between Augean and the EA stated that 'It is agreed that if there are implications for the design of the landfill based on the final published version of the EA documents these can and will be taken into account in the detailed engineering of the landfill sites.'⁷² Augean confirmed that the most likely change was a greater depth of in-situ low permeability Rutland Formation material being left in place beneath the engineered liner. This should increase the level of protection to the underlying groundwater.⁷³ Augean also confirmed that if it was required to leave a greater level of in-situ clay this could reduce the capacity of the new voids but there would be no changes to the proposed phasing of the development or to the restoration profile as set out in the application documents. The planned input rates for hazardous waste would remain above the 100,000 tpa level specified in section 30 of PA 2008.⁷⁴
- 5.27 Augean responded to Dr Cox's concerns about propagation of tritium through the basal layers and into groundwater. It was argued that the modelling of tritium in the SNIFFER model was conservative both in terms of the time taken for tritium to migrate out of the waste material and migration through the barrier layers into the underlying aquifer.⁷⁵ Augean's technical adviser, Dr Mobbs, also addressed this at the issue specific hearing and expressed confidence that the modelling was not understating the flow of tritium. The EA is aware of this issue. Tritium (H-3) is one of the radionuclides specified in the EA's monitoring requirements in the existing permit for disposal of LLW and it will be considered again as part of any new permit application.

Emissions to air

- 5.28 A number of representations specifically raised concerns about possible emissions to air and air quality was considered as part of the EIA. The main concerns expressed in relevant representations were about radioactive particles, dust and smells emanating from the site.
- 5.29 Monitoring of air quality at the site is already in place as a requirement of the existing environmental permits. Prior to 2004 a mix of hazardous and non-hazardous wastes were accepted at the site, including some biodegradable wastes. Since July 2004

⁷⁰ SOCG4

⁷¹ SOCG2

⁷² SOCG4

⁷³ ASL202

⁷⁴ ASL213

⁷⁵ ASL211 & ASL222

the site has only accepted hazardous waste and inert waste, and more recently LLW, with a maximum organic carbon content of 6 per cent by weight. This has reduced but not eliminated, the generation of landfill gas. A pumped landfill gas collection system is in place and would be extended to any new development. This prevents the accumulation of gas under pressure. Gas is directed to a gas flare where it is burnt at high temperature destroying harmful components and converting methane into the less potent CO². The gas flare is subject to limits on height specified in planning permission EN/06/01517/CRA, which are carried forward into the draft DCO, and to emissions limits and monitoring requirements under environmental permit EPR/TP3430GW which would continue in place.

- 5.30 Limits on emissions of hydrogen sulphide, oxides of nitrogen, carbon monoxide and volatile organic compounds (VOCs) are set in the environmental permit and are monitored at the site boundary. Particulates (PM₁₀ and asbestos) are also monitored. There have been a small number of instances in which the level of hydrogen sulphide exceeded limits during remediation of cells 1A, 1B, 2A, and 2B but in general monitoring shows emissions below the set limits.
- 5.31 The possibility of emissions of radioactive material in gas either from the surface of the site or through the gas flare has been considered as part of the radiological risk assessment. This concluded that any doses of radiation to which workers or members of the public might be exposed as a result of gas emissions from the site were negligible.
- 5.32 Augean consider that the potential impacts on air quality will be similar whether they arise from the time extension for the existing landfill or the proposed development with operation up to 2026.
- 5.33 The EA raised the possibility of additional dust being generated by the extension of the soil treatment plant. Augean have proposed an increase in dust monitoring points. Dust monitoring is included in the existing environmental permit for the soil treatment plant and would be expected to be included in any new permit for the expansion of the plant.
- 5.34 There had been a number of complaints in 2005 about smells from the site spreading to Kings Cliffe. This had been traced to a specific waste stream and improved management procedures had been put in place. Improved procedures and the installation of gas control systems had led to a reduction in complaints. There were only three complaints in 2010 and two in 2011.⁷⁶ Control of odour from the site is a condition in the environmental permits for both the hazardous waste site and the soil treatment plant.

⁷⁶ ASL5

Noise

- 5.35 Noise from the current site or from the proposed development was not raised as an issue in representations from individual IPs but it is referred to in the LIRs from ENC and NCC as an issue that was covered in consultation. In the EIA, noise at nearby properties was assessed against a baseline of the current activities other than site activities at and around the site. The time extension for the existing site, which does not involve any change in working methods, is not expected to result in any additional noise. The predicted noise levels will remain within the existing limits set in the noise management and monitoring scheme agreed with NCC.
- 5.36 The proposed development after 2016 would include the expansion of the soil treatment plant with some periods when crushing of material will be carried out. This will increase noise at nearby houses but the assessment indicated that levels should not exceed the maximum levels recommended in the Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Mineral Extraction in England (2005) (MPS2) and BS4142.⁷⁷
- 5.37 The noise management scheme in operation has been reviewed by noise specialists Vibrock Limited on behalf of Augean who confirmed that it represented best practice and should continue in operation. Operation in accordance with the noise management and monitoring scheme is proposed as requirement 4(2) in the final examination draft DCO.⁷⁸

Direct impacts on health

- 5.38 The main concerns about impacts on health were related to the possible release of radioactivity into groundwater and the air. These have been considered above and it has been confirmed by the EA that these can be contained to acceptable levels by the environmental permit.
- 5.39 The radiological risk assessment submitted by Augean also considered other ways in which radioactivity might be released during the operation of the site for LLW disposal. These included:
- (a) Direct exposure of workers to radiation from waste handling and during emplacement. This would be limited by site rules limiting dose rates;
 - (b) Exposure of workers and the public to radiation from a dropped load and from a hypothetical aircraft crash on the site. Worker and public exposure was found to be below the dose targets;

⁷⁷ MPS2 has now been superseded by the NPPF. The Technical Guidance for the NPPF includes the same noise standards as MPS2.

⁷⁸ A number of drafts of the DCO were submitted during the course of the examination. References to the final examination draft DCO are to the version submitted by Augean on 13 December 2012, ASL219.

- (c) Wound exposure was considered unlikely and could be contained to below the target levels by simple working procedures;
 - (d) Exposure from fire was not considered to be a risk given the incombustible nature of the waste allowed under the environmental permits.
- 5.40 Management systems, including site rules, would be in place, as required under the environmental permit, which should ensure that waste delivered to the site did not exceed the agreed limits on radioactivity. Any waste delivered which exceeded these limits would be quarantined and returned to the consignor. The management systems should also ensure that emissions from the site would be kept at or below the limits set by the EA. The environmental permit also requires Augean to have an accident management plan in place. Augean has confirmed that such a plan is in place based on EA guidance.
- 5.41 The HPA in its SoCG agreed that the design dose constraints proposed for the development were appropriate and in accordance with EA guidance for near-surface disposal of radioactive wastes. It agreed that 'where emissions are such that the resultant doses are at or below these dose constraints there will be no significant impact on health as a result of the proposed development.'⁷⁹
- 5.42 The risk assessment also considered exposure to radioactivity in the years after closure and restoration of the site. This indicated a low risk of exposure at levels below the dose limits affecting wildlife and the public walking on the site. The possibility of intrusion into the landfill after restoration either by workers or by the public building on the site was assessed as a risk that could limit the radiological capacity of the site during the landfill phase.
- 5.43 The EA and the HPA both raised questions in their initial relevant representations about the scope of the longer term assessment and the EA suggested that further analysis might be necessary looking at additional risk scenarios involving larger scale intrusion into the landfill after around 300 years. In its SoCG the EA agreed that appropriate scenarios had been assessed. It acknowledged that it had carried out further analysis of the intrusion scenario and water extraction and that these results had been incorporated into the determination of the radiological capacity for the current permit for the disposal of LLW. Both organisations agreed in their SoCGs that risk assessments would be updated as part of the work required for new environmental permits. New permits would only be issued if concerns had been adequately addressed.⁸⁰
- 5.44 The long term nature of the risk of exposure to radioactivity was of concern to many of the local IPs. While some of the nuclides

⁷⁹ SOCG2

⁸⁰ SOCG2 & SOCG4

decay quite quickly others have lives of thousands of years. IPs were concerned that active management of the site would only continue for 10 years after closure in 2026 leaving a long period during which emissions would not be closely controlled.

- 5.45 The EA made it clear that the environmental permits were not time limited and would remain in place as long as there was considered to be any risk that needed to be managed. A ten year aftercare and maintenance period had been proposed up to 2036 but responsibility for management of the landfill would continue beyond this period as a requirement of any permit. In addition the environmental permit required the operator to make financial provision which would be available to the EA to cover the permit obligations if the company was no longer viable.⁸¹
- 5.46 The financial provision is in the form of a bond and must be maintained as long as the landfill is a hazard and the permit remains in place. It is calculated over a period of 60 years but is subject to regular review to ensure that it is adequate to meet the remaining obligations. The sum agreed is calculated by the EA taking into account the main obligations under the permit. These include environmental monitoring, capping and restoration, leachate, surface water and gas management, security, incident management and site reports.⁸²

Findings on control of emissions and direct impacts on health

- 5.47 Satisfactory control of emissions is an essential element in the safe operation of a facility of this sort, whether those are emissions from hazardous waste or LLW. If emissions are controlled at or below set limits then the possibility of directly attributable harmful effects is also controlled. The limits on emissions from the site are set in the environmental permits with separate limits for the landfilling and treatment of hazardous waste and for the landfilling of LLW. The concerns expressed by IPs about direct impacts on health have focused principally on possible emissions from the landfilling of LLW.
- 5.48 The concerns expressed about the possible contamination of groundwater are strongly felt by local residents. They have been raised repeatedly in respect of the 2009 application, the subsequent public inquiry and the current application. Augean has responded with detailed analysis of possible ways in which such an impact from the development could occur and have concluded that, even under conservative assumptions, the operation of the site, post closure maintenance and in the longer term should not result in exposure to radioactivity that is at or above the levels set by statute. In practice the exposure levels that are being and will

⁸¹ SOCG4

⁸² EA/3

continue to be used in the operation and management of the site are well below the statutory levels. This has been confirmed for the current disposal of LLW with the issuing of the environmental permit by the EA in May 2011.

- 5.49 Responsibility for setting limits on emissions, monitoring compliance and, if necessary, taking enforcement action so that activities carried out at the site do not present unacceptable risks to human health or the environment lies with the EA. Both the draft NPS and PPS10 state clearly that in carrying out my assessment of the impact of the proposal I should assume that the relevant pollution control regime will be properly applied and enforced.
- 5.50 Substantial effort has gone into the assessment of the risk of emissions from the site resulting from the disposal of both hazardous waste and LLW. The risk assessments have been carried out using models accepted by the EA. The SNIFFER model which was not originally developed for use with hazardous waste has been adapted for this purpose.
- 5.51 Modelling cannot provide certainty but it provides the accepted basis on which the EA can assess the engineering, operation and aftercare of the landfill in order to set limits and conditions in the environmental permits. It is these permits that are the key to the control of emissions from the site and through that to controlling any risks to human health and the environment.
- 5.52 As far as direct impacts on health are concerned, I am satisfied that for the time extension to 2016 there are adequate controls in place for hazardous waste and LLW which should ensure that there is no significant impact on health. The proposed additional landfill capacity will require permits with appropriate conditions for the operation of the proposed development. That will require the EA to carry out further consultation. The EA has stated that it believes that as far as hazardous waste is concerned necessary controls can be achieved by way of environmental permits. For LLW the EA has stated that permits will not be issued unless it is demonstrated to the EA's satisfaction that 'as part of the permit application process ... LLW can be deposited without exceeding the appropriate dose criteria, ...the assumption made in ... (the ES) that exposures will be controlled so that they do not exceed the dose criteria is reasonable.'⁸³
- 5.53 From the information provided in the application and during the course of the examination I am satisfied that:
- (a) Potential releases can be adequately regulated and monitored under the pollution control framework. The EA has received the information necessary to issue environmental permits in

⁸³ SOCG4

respect of hazardous waste disposal, soil treatment, gas flaring and disposal of LLW. These continue in place for the time extension of the operation of the site to 31 December 2016.

- (b) If changes are sought to increase the radiological capacity of the site it will be necessary to apply for a new permit. The EA would be in a position to obtain the necessary information and analysis that would allow it to assess any such application.
- (c) Any new or revised environmental permits will only be granted if the EA and its statutory consultees, including the HPA, are satisfied that there are no unacceptable risks to human health and the environment. The EA will continue to require a financial bond to be in place to cover obligations under the permits, including maintenance and aftercare of the site.

5.54 Apart from noise management (see paragraph 5.37), I do not see any need for requirements to be included in the DCO relating to control of emissions or the direct impact on health because those are or will be set out in environmental permits.

Indirect impacts on health

5.55 Concerns were expressed that there was a general 'perception of harm' from the existing use of the site for hazardous waste and LLW and from the proposed development. It was argued that in addition to the perceived dangers to health from emissions the development could lead to increased levels of anxiety and stress. It was also argued that the effect of the proposal on the social and psychological peace and harmony of the local residents should be taken into account. This general perception of harm was reflected in the level of opposition to the 2009 application to allow the disposal of LLW.

5.56 To a large extent this strongly held view goes along with a lack of trust in the assurances given by Augean, the EA and the HPA through the permitting process and ongoing monitoring. It was argued that modelled risk was not the same as real risk and that the scientific evidence in support of emission limits was not definitive.

5.57 Reference was made to the KiKK study in Germany which, it was said, indicated the presence of leukaemia clusters near nuclear power stations even with low levels of emissions. The findings of that study have been challenged by the German Commission on Radiological Protection but it is one of many studies taken into account by international and UK organisations, including the HPA, responsible for setting limits on radiological emissions. The references made during the examination to the KiKK study do not represent new information that has not already been taken into

account by the HPA whose advice on emission and dose limits lies behind the environmental permit for the disposal of LLW.

- 5.58 Augean has sought to address local perceptions of harm by providing information on its plans, how LLW will be managed on site and the measures that will be taken, in line with the environmental permit, to control emissions and associated risks at or below the levels required by the EA. This appears to have had little impact on this lack of trust. However Augean does propose to continue to liaise with the local community, offer site visits and provide information if the application is approved.
- 5.59 Indirect impacts on health and perceptions of harm are outside the EA's remit but are recognised in the draft NPS. The perception of harm may also have wider effects on social and economic activities in the area. These issues and possible conditions related to indirect impacts on health and perception of harm are discussed further below along with socio-economic impacts.

TRANSPORT

- 5.60 Three areas of concern relating to the transport of hazardous waste and LLW were raised during the examination. These were:
- (a) The risks associated with heavy goods vehicles (HGV) arriving at and leaving the site. There was particular concern about traffic on Stamford Road, at the junction of Stamford Road and the A47 and at the A43/A47 roundabout at Duddington and the A43 south of this roundabout.
 - (b) The risk associated with any spillage of LLW during its transport to the site.
 - (c) Whether the transport of LLW, potentially from all parts of Great Britain, was consistent with the proximity principle set out in government policy.

Heavy goods traffic

- 5.61 Stamford Road is one of the access roads leading to Kings Cliffe and there was concern that traffic associated with the site could increase the risk of accidents involving local residents. There was concern that the queuing of vehicles waiting to enter the site could increase this risk as could mud on the road from vehicles leaving the site.
- 5.62 Augean has had permission to accept up to 249,999 tpa of waste materials onto the site for a number of years and this ceiling (now specified as 250,000 tpa) will continue to apply to the extension of existing activity to 2016 and to the proposed western extension. The number of permitted traffic movements associated with the site should not therefore change significantly from current levels if the application is approved. Although it would, of course, fall after 2016 if the application were to be refused.

- 5.63 The ENRMF is not the only generator of heavy goods traffic on Stamford Road. Almost immediately opposite the site there is a haulage and warehousing business and to the north of the site a former RAF storage area has planning permission to be developed as a storage and distribution facility.⁸⁴
- 5.64 A transport assessment was carried out for the proposed development and included as part of the ES.⁸⁵ The Department for Transport (DfT) PICADY programme was used to analyse traffic at the site entrance and the Stamford Road/A47 junction taking into account other existing and proposed developments in the area and traffic projections to 2026. This showed that both junctions have considerable spare capacity with effectively no queuing at the junction with the A47.
- 5.65 Separate analysis using the DfT ARCADY programme was carried out at the request of NCC into the operation of the A43/A47 roundabout. It was concluded that the proposed development would have a negligible effect on the operation of this roundabout even in 2026. NCC expressed some concern about congestion developing at this roundabout in future and requested that there should be a five yearly review of the traffic assessment with the possibility of future restriction on deliveries to the site from this route during peak hours. Augean has agreed to such reviews being carried out and this is incorporated as requirement 13 in the final examination draft DCO. This requirement includes provision for a scheme of mitigation to be submitted if unacceptable impacts of site traffic are identified.
- 5.66 Accident analysis for the section of Stamford Road leading to the A47 and for the A47 between the A43 roundabout and the approach to the junction with the A1 was included in the transport assessment. This identified 42 injury accidents between the start of 2005 and mid to late 2010. Four of these were classed as serious and three were fatal. Only five accidents involved HGVs four of which were classified as slight and one as serious. As far as Augean is aware (and no evidence to the contrary was submitted) none of these accidents was related to vehicles generated by the site.
- 5.67 During the examination additional accident information was provided by NCC for the section of the A47 between Great Weldon roundabout and the A47 roundabout at Duddington. In the three years to 30 June 2012 there were 28 reported accidents of which 10 were classed as serious but with no fatalities. Four of these accidents involved HGVs of which two were classed as serious. Two further accidents were reported between June and October

⁸⁴ ASL5

⁸⁵ ASL16

2012. In one of these a car swerved into the path of an HGV and two passengers in the car were killed.⁸⁶

- 5.68 It was argued by local residents that in order to avoid the series of bends on the A43, site traffic arriving from the south and west, particularly if carrying LLW, should be rerouted along the A14 from Kettering to join the A1(M) at Huntingdon and arrive at the site from the east on the A47. This would mean a longer journey but would, it was argued, reduce the risk of accident. Augean had considered this option during the pre-application consultation. The alternative route was 32 miles longer. Augean did not consider that exclusion of the A43 route was justified.⁸⁷ Following the open floor hearing Augean submitted additional information on the number of recorded accidents on these two routes in 2009, 2010 and 2011. There had been 87 accidents on the A43 route and 215 on the A14/A1(M) route. These represent very similar accident rates per mile.⁸⁸ The A43 is identified as part of the County's Core Route Network and is promoted as a route for freight and associated HGV movements. NCC Road Safety division did not consider that HGVs were more at risk on this section of the A43 than on any other significant A route in the country.⁸⁹
- 5.69 The site is currently subject to planning conditions which identify the site access and require all vehicles to approach and leave the site using the A47 and the section of Stamford Road to the north of the site. No vehicles should travel on Stamford Road south towards Kings Cliffe. Signage has to be provided to show drivers the route to use when leaving the site and CCTV is installed to identify any vehicles which do not follow these requirements. These provisions are covered in requirements 11 and 12 of the final examination draft DCO
- 5.70 Wheel cleaning facilities are provided on-site and Augean has agreed to provide an additional automated water jet washer. Augean also provides a road sweeper to collect any mud or other debris from vehicles leaving the site. The provision of wheel cleaning facilities is covered in requirement 15 of the final examination draft DCO.

Findings on heavy goods traffic

- 5.71 From the evidence submitted with the application and material provided during the examination. I am satisfied that, subject to inclusion of the requirements in the final examination draft DCO related to site access, vehicle movements and wheel washing and to reviews of the transport assessment in 2017 and 2022, the vehicle movements associated with the proposed development to

⁸⁶ NCCH/3 & NCCH/4

⁸⁷ ASL70

⁸⁸ ASL219

⁸⁹ NCCH3

2026 and taking into account the cumulative impact with other nearby developments, will not have a significant impact on traffic safety or the capacity of roads in the vicinity of the site. There is no clear evidence to suggest that re-routing of vehicles, which would increase costs and emissions, would bring any safety benefits.

- 5.72 Operation of the site necessarily adds to the vehicle traffic on the local roads which would not be there if the site were to close. This adds to wear and tear on the roads. Augean already makes a contribution of £5,000 a year for highway purposes. The proposed development will not itself bring additional traffic but the existing level of movements is expected to continue. It is therefore appropriate, in my view, for this contribution to continue on an annual basis for the life of the development and for this to be included in the s106 agreement which was signed on 14 January 2103. A copy of the signed agreement is included as Appendix F.

Transport risks related to LLW

- 5.73 The transport of both hazardous waste and LLW is regulated by DfT under the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009.
- 5.74 The aim of the regulations is that packaging should be designed to provide adequate protection in both normal and accident situations. For radioactive material where drums are used these have to be designed to withstand a drop test. Where flexible containers are allowed the regulations specify isotope specific limits designed to ensure public safety. In its SoCG the EA confirmed that it is the responsibility of the consignors and transporters of waste from the source site to ensure that the material is transported in accordance with the relevant transport regulations.⁹⁰ In addition Augean specifies that LLW is packaged in drums or double bags or, for larger items, as wrapped packages.⁹¹
- 5.75 The radiological risk assessment included an assessment of the risks from a dropped load with broken packaging. It also included assessment of leakage of contaminated leachate being tankered offsite. It concluded that for both scenarios the doses of radiation to which workers and members of the public would be exposed were below the relevant assessment criteria as described above at paragraphs 5.20 to 5.27.
- 5.76 Following the first issue specific hearing Augean provided further detail on the information that would be available to the emergency services if a vehicle delivering hazardous waste or LLW to the site

⁹⁰ SOCG4

⁹¹ ASL5

was involved in an accident.⁹² All of the loads travelling to the site will carry documentation in the driver's cab with details of the nature and quantity of materials being transported. Individual packages of material will be labelled with appropriate hazard signs. For LLW, packaging and labelling will depend on the level of radioactivity. For the lowest level of radioactivity each package will be labelled with a UN number which identifies the contents. Each package is recorded in the driver's pack together with the name and address of consignor and consignee. There is no requirement for external placards for this type of LLW but vehicles carry a placard with emergency contact numbers in the vehicle. All of this information would be available to the emergency services. In addition consignments of LLW from nuclear licensed sites will have an external panel identifying the consignors' site code and an emergency number to the Radsafe emergency response team which provides 24 hour advice and assistance. Packages of LLW with higher levels of activity will be labelled with the radioactive trefoil sign and will carry external placards with the appropriate UN number and emergency details. This would only apply to LLW at the higher end of the range accepted at the site.

Findings on transport risks related to LLW

- 5.77 From the information provided in the application and during the examination I am satisfied that the risks associated with the transport of LLW have been adequately assessed in the ES; that regulations are in place which will ensure that proper safety measures, including packaging designed to withstand accidents, will be taken by consignors and transporters of waste and that adequate information will be available to the emergency services to control any spillage should this occur. I do not consider that it would be necessary to impose any further conditions in the DCO in respect of the transport of LLW.

Transport and the proximity principle

- 5.78 The proximity principle has tended to be used rather loosely by some objectors to this proposal to mean that waste, particularly LLW, should be disposed of on or close to the site where it is generated. It is argued that the ENRMF which is not close to any of the main sources of LLW does not accord with this principle and that the proposed development should therefore be refused. This is an oversimplification and it is important to be clear how the proximity principle is defined and the role it plays in the various public policy statements that are relevant to this examination.

⁹² ASL216

5.79 The proximity principle is referred to in the Strategy for Hazardous Waste Management in England published in 2010.⁹³ This states that:

“We look to the market for the development of hazardous waste infrastructure, which implements the hierarchy for the management of hazardous waste and meets the needs of the UK to ensure that the country as a whole is self sufficient in hazardous waste disposal, facilities are put in place for hazardous waste recovery in England, and the proximity principle is met.”

5.80 The Strategy cites the Waste Framework Directive 2008/98/EC (WFD) which restates the principles of proximity and self sufficiency set out in earlier directives.

“Article 16 requires that a network of waste disposal installations is available to enable the Community as a whole to be self-sufficient in waste disposal, including hazardous waste disposal, for MS [member states] to move towards that aim individually, and to enable waste to be disposed of in one of the nearest appropriate installations. The UK applies this principle of self sufficiency through the general prohibition on shipments of waste to and from the UK for disposal which is set out in the UK Plan for Shipments of Waste. ... In terms of inter-regional movements of hazardous waste, the Waste Strategy for England 2007 acknowledged that the regional distribution of hazardous waste facilities could more closely match regional arisings, to reduce the number and length of these movements of hazardous waste. The aim is not to move to complete regional self sufficiency for hazardous waste management, which is not required by the WFD and is unrealistic, not least because some hazardous waste facilities provide a national need.”

5.81 The draft NPS also refers back to article 16 of the WFD. It states that the proximity principle ‘is based on the concept that member states should provide for the safe management and disposal of their hazardous waste and reflects the likely environmental benefits of avoiding the transport of hazardous waste for disposal over longer distances.’ It recognises free movement of hazardous waste within the UK and that for some hazardous waste requiring specialist treatment there may only be one or two facilities able to deal with the waste which might therefore have to travel further.

5.82 Neither the NPPF setting out general principles to be applied in planning nor the 2010 revision of PPS10 on Planning for Sustainable Waste Management makes specific mention of the proximity principle. Both the EMRP and NCC’s MWDF recognise the need to make provision for regional and local waste infrastructure including landfill as the last option in the waste

⁹³ PD8

hierarchy. NCC also recognises that the ENRMF serves a wider market and is a specialist hazardous waste management facility of national significance.

- 5.83 The Policy for the Long Term Management of Solid Low Level Radioactive Waste in the United Kingdom published in 2007 states that waste managers acting on behalf of waste producers should prepare LLW management plans. These should, amongst other considerations, be based on appropriate consideration of the proximity principle.⁹⁴ Options assessments carried out in support of these plans should employ the proximity principle as a point of reference. It adds that 'although the desire to avoid excessive transportation of materials is an important consideration, it must be balanced with all the other relevant factors on a case by case basis.'
- 5.84 The UK Strategy for the Long Term Management of Solid Low Level Radioactive Waste from the Nuclear Industry has been developed by the Nuclear Decommissioning Authority (NDA) in response to the 2007 policy statement.⁹⁵ Location of disposal facilities is seen as an important consideration.

"A key consideration in any decision will be choosing to use, or invest in, facilities close to site, or use facilities further away. The proximity principle proposes that waste should be managed in the nearest appropriate installations. ... Whilst the desire to avoid excessive transportation of materials is an important consideration, it must be balanced with all the other relevant factors on a case-by-case basis. In the case of radioactive wastes, as with some hazardous wastes, the number of appropriate facilities may mean that the nearest appropriate facility is a considerable distance from where waste is generated."

- 5.85 In its SoCG the NDA referred to consideration that had been given to new disposal facilities at the sites which generated the LLW.⁹⁶ Work by Research Sites Restoration Limited (RSRL), which is responsible for the Harwell and Winfrith sites, had shown that 'development of new disposal facilities at RSRL sites was not a suitable or deliverable response to the need to manage these wastes. Significant technical, business and regulatory challenges to the development of new facilities at the site mean that other options (in this case ENRMF) perform significantly better. Magnox have also reached the same conclusion for the Hinkley Point A site, in part influenced by the small levels of waste arising. It is possible that this will also apply to other Magnox sites.'
- 5.86 The NDA also noted that 'the costs of co-disposal in existing facilities are less than the costs associated with constructing new

⁹⁴ PD4

⁹⁵ PD11

⁹⁶ SOCG6

facilities, including on site disposal options on NDA sites and is anticipated to result in significant savings to the taxpayer.'

- 5.87 Decisions on how and where to dispose of hazardous waste and LLW are ones that have to be taken by the consignors of that waste. They are required either as a condition of an environmental permit by the EA in the case of LLW or, for hazardous waste, in accordance with the Waste (England and Wales) Regulations 2011, to show that the chosen option represents best available techniques (BAT).⁹⁷ In doing so they have to take into account the waste hierarchy, e.g. could waste be treated and recycled rather than going to landfill, and the proximity principle in considering transport modes and distances.
- 5.88 As part of its management system for accepting consignments of LLW, Augean requires a copy of the relevant EA authorisation or permit to be provided in advance. Assessment that disposal is BAT, including consideration of transport and alternative sites, will have been reviewed by the EA.
- 5.89 Alternative locations for the disposal of LLW have been described earlier at 4.7 to 4.9. They are very limited. There have been applications for the Clifton Marsh site to accept LLW from a wider range of consignors and to develop LLW landfill capacity at Keekle Head, both in the North West.^{98 99} There are currently no applications to develop other sites. The ENRMF is the only site accepting LLW in the southern part of the country and represents the nearest site for a number of sources of LLW including the nuclear facilities at Harwell, Culham and Aldermaston and the decommissioning power stations at Dungeness, Bradwell, Sizewell, Berkeley and Hinkley Point. It has also received LLW from the north of the country and from Scotland for which use of the ENRMF had been certified as BAT.
- 5.90 The NDA also refers to the BAT assessment in its SoCG. It notes that 'the desire to alleviate concerns over sustainable transport needs to be balanced with the practicability of alternatives and the very low risk and environmental impact presented by the transport of LLW.' It also notes that 'the underpinning work for the UK Nuclear Industry LLW Strategy showed that when considered on a national level, sustainable transport of LLW is not a strong differentiator between options.'

⁹⁷ Best Available Techniques (BAT) are required to be considered (under EC Directive 96/61) in order to avoid or reduce emissions resulting from certain installations and to reduce the impact on the environment as a whole. Use of BAT is required by the EA when licensing the major potentially polluting industries under the IPPC legislative regime. BAT takes into account the balance between the costs and environmental benefits.

⁹⁸ ASL5

⁹⁹ An environmental permit was granted for Clifton Marsh in August 2012. The Keekle Head application was refused by Cumbria County Council in May 2012 but this is currently the subject of an appeal.

- 5.91 NCC argued that 'If granted a DCO, the site would likely continue to attract LLW from a national catchment, especially as the only landfill facility that can accept LLW (up to 200 Bq/g) without any restrictions on waste origin.' NCC was also concerned that granting the DCO could deter other waste management proposals from coming forward and influence other Waste Planning Authorities. 'If the site exists there will be a tendency to assume that it will be available on a national scale.'¹⁰⁰
- 5.92 Local opponents of the scheme argued that the existing permission to landfill LLW at the site already had the effect of making it a national site but that it was located in the wrong place being distant from the North West where the largest amount of LLW originated. It was argued that the proximity principle was intended to reduce the transport of waste but this was being ignored and that it was disingenuous to rely on the BAT assessment if the ENRMF was the only site available.

Findings on transport and the proximity principle

- 5.93 It is clear from current statements on hazardous waste and LLW management that the proximity principle is a relevant consideration in planning policy. This follows the requirements of the Waste Framework Directive but it is not an over-riding consideration.
- 5.94 The ENRMF is already accepted as a site of national importance for disposal of hazardous waste but consignors are still required to take the proximity principle into account in demonstrating that the choice of the site is BAT.
- 5.95 Originators of LLW are required to consider alternative means of disposal and a number have concluded that development of on site facilities for disposal of LLW is not the best practicable environmental option (BPEO) option and are looking for alternatives that will, inevitably, involve some transport of the LLW.¹⁰¹ Although the ENRMF is not located close to any of the main nuclear decommissioning sites it is well located to service a number across the southern half of the country. If the ENRMF did not continue to accept LLW then waste from these sites would have longer journeys to the other existing sites in the North West.
- 5.96 It has been argued that the ENRMF has *de facto* become the national site for landfill disposal of LLW and will take significant quantities of LLW from the north of the country involving greater

¹⁰⁰ NCC/2/WR

¹⁰¹ BPEO has been defined by the Royal Commission on Environmental Pollution as "the outcome of a systematic consultative and decision making procedure which emphasises the protection and conservation of the environment across land, air and water. The BPEO procedure establishes for a given set of objectives, the option that provides the most benefits or the least damage to the environment, as a whole, at acceptable cost, in the long term as well as in the short term".

travel distances. I do not see that as inevitable. During the time that Augean's plans for accepting LLW at the ENRMF have been in the public domain other operators in the North West have seen commercial opportunities for developing their own landfill sites. These have not, so far, received planning and environmental approval but they indicate that development of the ENRMF has not had the chilling effect on the market that has been suggested.

- 5.97 Even if other sites are not developed, originators of LLW will have to continue to assess alternatives and take account of the proximity principle but this must be balanced with all the other relevant factors on a case by case basis. Allowing a balance between the proximity principle and other factors is established policy in the field of waste management, including LLW. It is the EA's responsibility to monitor and approve those assessments and I am satisfied that this is a well established part of the permitting system which governs the movement and disposal of LLW.

OTHER IMPACTS

Ecology, landscape and cultural heritage

- 5.98 Natural England agreed there are no European or nationally designated landscapes located in the vicinity of the project that could be affected significantly (either alone or in combination with other plans or projects) by the proposed development. Natural England agreed that the proposed development is not likely to have a significant impact on Collyweston Great Wood and the Easton Hornstocks SSSI/NNR or any other nationally designated wildlife sites or non-statutory designated sites in the vicinity. Natural England also agreed that there will be no negative impact on any protected species at or in the vicinity of the site as a result of the development.¹⁰²
- 5.99 The setting is generally rural with the majority of the land surrounding the site comprising open farmland or woodland with a small number of nearby properties. During the operational phase the landfill areas and the soil treatment plant would be visible from the properties, roads and footpaths in the immediate vicinity. The proposed development means that the site, which at present only has permission to operate until 31 December 2016, will continue to have a visual impact until operations cease by the end of 2026. Only one view, from a footpath to the west of the site, was assessed in the ES to undergo adverse effects of substantial significance because of its proximity to the site and an unobstructed view. For the other viewpoints assessed in the ES the impact was considered to be of substantial-moderate, moderate or moderate-slight significance.¹⁰³

¹⁰² SOCG1

¹⁰³ ASL5

- 5.100 Overall Augean considers that the effects of the proposed development on the landscape character and the visual impact on local amenity will be limited. In Augean's opinion progressive restoration of the site as landfilling is completed would bring improvements in the views of the site and, in the long term, will give rise to beneficial effects.
- 5.101 Restoration of the site at the end of landfill operations forms part of the application. The site at present has a low biodiversity value. Restoration would be carried out in accordance with a biodiversity action plan with the aim of providing significant biodiversity gain. It would be designed to benefit amphibians, reptiles and small mammals. Planting would include a high proportion of locally native species which would encourage birds and invertebrates. Existing fencing to keep great crested newts out of the site would be removed to allow the site to be repopulated. Natural England agreed that the site restoration will have a positive effect on the natural environment. The landscape profile for the restored site would be specified in the DCO which would also include a requirement to submit a landscaping and restoration scheme for the approval of NCC as the relevant planning authority. These are set out in requirements 5 and 6 of the final examination draft DCO. Landscaping would be required to be completed by 31 December 2026.
- 5.102 A cultural heritage assessment was carried out as part of the ES and concluded that there would be no direct or indirect effects on cultural heritage assets or archaeology from the proposed development.
- 5.103 In my view, the visual impact of the proposed development will be similar to that of existing operations. It will have no impact on cultural heritage assets and limited impact on local views. The proposed restoration plan would cover the whole site and this will be beneficial in the longer term.

Safety

- 5.104 Some concerns were expressed about safety issues (in addition to the health issues considered above) related to the disposal of LLW at the site. It was suggested that the combination of LLW and hazardous waste in the same landfill was untried and that there would be risk of fire that could spread radioactivity from the LLW.
- 5.105 Augean responded that the hazardous waste and the LLW accepted at the site is made up of inert material. The chemical properties of the waste and LLW are known before any are accepted for transport to the site. Chemically highly reactive wastes are not permitted. This is controlled through the list of wastes and waste acceptance criteria specified in the environmental permit.

- 5.106 The possibility of fire was considered as part of the radiological risk assessment. This concluded that '(t)he waste in the landfill, the cover materials and the LLW are essentially incombustible.'¹⁰⁴ The risk assessment also considered the possibility of an aircraft crashing on the site and a subsequent fire from spilt fuel. The possible exposure levels for the public were well below the legal limit.
- 5.107 These safety concerns form part of the set of issues that are considered by the EA during the permitting process. As noted earlier I am satisfied that the EA has been able to take such concerns into account before issuing the current permits for the site and will continue to do so before issuing any new permits.
- 5.108 The security of the site itself was also raised with the possibility of unauthorised access when the site was closed and unattended.
- 5.109 The environmental permit for disposal of LLW requires Augean to install site security measures that, as far as is reasonably practicable, prevent unauthorised access to the radioactive waste. Augean has taken advice from Northamptonshire Police's Counter Terrorism Security Adviser (CTSA). The CTSA concluded that upgrading of the perimeter fence would not be 'proportionate or commensurate to the perceived threat'.¹⁰⁵ The site is monitored remotely 24 hours a day by CCTV including night vision cameras. As part of the existing planning consent for LLW Augean has installed a 1.8m perimeter fence. A condition requiring the maintenance of this fence and other security measures is included as requirement 14 in the final examination draft DCO.
- 5.110 I am satisfied that the concerns raised about site security can be adequately addressed through the combination of the environmental permits and the DCO.

Social and economic impacts

- 5.111 Concerns were expressed by a number of IPs and in LIRs that the proposed development which extends the landfilling of LLW to 2026 would have an adverse impact on the local area. At the same time there have been expressions of support for the development from Augean employees, local businesses and consignors of LLW and hazardous waste.
- 5.112 Much of the concern is with the risks to health associated with disposal of LLW. This has been fully discussed earlier in this report. But the 'perception of harm', also discussed earlier, goes wider than impacts on health. Such perceptions, even if not supported by hard evidence, could have an adverse effect on the social and economic fabric of the area. The extension of activity to

¹⁰⁴ ASL13

¹⁰⁵ ASL5

2026 could be felt to give an air of permanence to the disposal of LLW which was not present when the original application was granted in 2011 to operate until 2013. Concerns have been expressed about the impact on the local housing market, on numbers attending local schools and the effect on some local businesses which rely on attracting tourists to the area. Concern has also been expressed that application might be made at a later date for activity at the site to continue after 2026.

- 5.113 Evidence in support of these concerns was mostly anecdotal. It was said that house sales and property prices had fallen and that parents were unwilling to send children to the schools in Kings Cliffe; that the proposed development would affect people's image of the local villages and have a very damaging effect on the local economy; that it would harm efforts to create a network of local producers and businesses that are crucial to the sustainability of the community and would discourage people wanting to live and work in the area.¹⁰⁶ .
- 5.114 Following the issue specific hearing on health issues Augean provided an analysis of house sales and sale prices in Kings Cliffe and Duddington since 1999.¹⁰⁷ This showed a fall in the number of sales between 2007 and 2010 and a small recovery in 2011. Average sale price also fell during that period although it remained above the average for Northamptonshire. The analysis did not include the sale of houses in the newly developed Sovereign Grange estate on the edge of Kings Cliffe. Augean also provided information on sales on this estate indicating that marketing began in February 2012 and by October the sale of 21 out of the 31 homes on the market had been legally completed. In my view, given the economic recession of recent years and changes in the mix of the types of houses sold each year, it is difficult to draw any conclusions from this analysis.
- 5.115 Augean also provided statistics from NCC on the number of pupils at the Kings Cliffe Endowed School (the primary school in the village). Although this had a capacity of around 150 pupils it had consistently only had around 100 pupils over the past seven years with a low of 93 in 2005/6, a high of 104 in 2008/9 and 98 in 2011/12. The rolls of the two middle schools for the area one of which, Oundle and Kings Cliffe, is in Kings Cliffe, were reported by NCC as having settled at around 1,120 – 1,150 (280 per year group) over the last three years. These statistics do not suggest that there has been any significant change in pupil numbers in the two Kings Cliffe schools. No evidence was provided to show any adverse effect on local tourism activity.

¹⁰⁶ FOE/1/RR, APT/1/RR, ENC/1/RR, AMK/1/RR, CLS/1/RR, CRM/1/RR, CYK/1/RR, WPC/1/RR, EHY/1/RR, CPC/1/RR, FRC/1/RR, JGS/1/RR, ADL/1/RR, MGN/1/RR, NCC/1/RR, MGS/1/RR, JCS/1/RR, LWR/1/RR.

¹⁰⁷ ASL216

- 5.116 The possibility of future planning applications linked to this site is outside the scope of this report but provision for closure of the landfill and soil treatment plant and restoration of the site by or before 31 December 2026 is incorporated into the application and included as requirement 22 in the final examination draft DCO.
- 5.117 Supporters of the proposed development have pointed to the value to them of continued employment at the site (in March 2012 there were 22 employees at the site). Employees at other Auegan sites have also written in support. Local businesses benefit from expenditure by Auegan at the ENRMF. In 2011 just over £500,000 was spent with businesses in Corby, Peterborough, Stamford and Wansford.¹⁰⁸
- 5.118 The local community also benefits from the operation of the site through the Landfill Tax Credit scheme. Since 2003 Auegan has contributed over £1m to local projects from Landfill Tax. Auegan expects to make a contribution of at least £8m to community funding from the Landfill Tax Credits over the life of the proposed development. Since 2005 it has also made direct sponsorship contributions of around £180,000 to local projects.¹⁰⁹ Under the s106 agreement signed in 2011, when permission was sought for disposal of LLW, a community fund was established into which Auegan agreed to pay £5 for each tonne of LLW accepted onto the site. This fund can be used to pay salary costs which cannot be paid out of Landfill Tax funds. Auegan proposes to continue that contribution over the life of the proposed development. Under the s106 agreement with NCC, Auegan makes an annual contribution of £5,000 for highways maintenance and improvement on Stamford Road to the north of the site. This contribution can be accumulated over several years to pay for major improvements. For example a contribution of £25,000 was made towards resurfacing work carried out in the summer of 2012. This included work on Stamford Road to the south of the site.¹¹⁰ The community fund and highways contributions would continue if the proposed development is approved and are included in the s106 agreement signed on 14 January 2103 (see Appendix F).

Findings on social and economics impact, including the perception of harm

- 5.119 The evidence on the benefits from the operation of the ENRMF to the local economy and from Auegan's contributions to community projects is clear and these contributions would continue if the proposed development is approved. The perception of harm to health and the local economy and social fabric is not supported by specific evidence but the belief that it is real is strongly held.

¹⁰⁸ ASL5

¹⁰⁹ ASL5

¹¹⁰ ENRMF21

- 5.120 It was argued by Augean that such concerns should only be given weight if objectively justified. That is a difficult test to pass and is, in my view, too stringent a test to apply. Such concerns are generally strongly held and can influence behaviour even when not supported by scientific or other empirical evidence.
- 5.121 Limited weight was given to this issue by the Planning Inspector in his report in relation to the 2010 Public Inquiry and the Secretary of State supported that view. However that case only considered an application for disposal of LLW up to 2013. The current application is for a longer period to 2026. In the eyes of the local community this has given an added degree of permanence to the use of the site for LLW and strengthened the perception that the risk of harm will always be with them. I do not see this as an over-riding obstacle to the acceptability of the development but I do consider that the continuing perception of harm is an adverse effect of the proposed development and actions to address such perceptions should be a requirement in the DCO. Safe operation of the site in line with the environmental permits may help to allay fears over the years but that will only be achieved through continuing effective communication between the operator and the local community. It is important that negative perceptions of the impact of the ENRMF should not develop further and outweigh the benefits it can bring at local, regional and national level.
- 5.122 Augean has proposed to continue its engagement with the local community through the following actions in order to provide further reassurance to members of the public:
- Members of the community have been and will continue to be invited to the site during engineering works to see how the engineering of the site is undertaken.
 - Augean will hold annual site open days to show how they operate the facility.
 - Augean will make available through media such as the company website monitoring data in simplified form.
 - Augean will make public data from passive dosimeters worn by site workers at the site to reassure the local community that radiation on site is within permitted levels.
 - Augean will maintain its open door policy so that members of the public can see how the site is operated and monitored.
 - Augean will continue to advise the community of its long term intentions as and when decisions are made.
 - Augean will continue to consult with the community on new proposals at its sites.
 - Augean will continue to support and take an active part in the site liaison group.
 - Augean will commit to periodic reviews of the waste input rates so that if it is predicted that the site will not be full by the end of 2026 the design can be altered to reduce the void capacity so that the completion date can be met.

- 5.123 Over time, such actions can contribute to improving public perceptions of the ENRMF activities. They also represent a contribution to increasing the public acceptability of LLW disposal which is identified as being important in the NDA Strategy (see 3.25 above).
- 5.124 These are all contributions that should be continued in order to offset concerns based on perception of harm. Local confidence in the safe operation of the site can be enhanced if a requirement for continued engagement with the local community is incorporated into the DCO rather than being left as a volunteered commitment. Not only would that give it more substance in the eyes of local residents, it would also ensure that the commitment would continue if Augean ceased to be the owner of the site. My proposal for inclusion in the DCO is set out at paragraphs 6.12 to 6.15 below.

CAPACITY FOR LLW AND HAZARDOUS WASTE

- 5.125 In its representations and its LIR NCC set out its concern that use of the site for LLW would 'proportionally reduce capacity for hazardous waste and impact on the capability of the site to fulfil its recognised role as a hazardous waste facility of national significance.' The proposal set an annual limit of 150,000tpa to go directly to landfill but did not specify the ratio of hazardous waste to LLW. It would be possible for a maximum of 150,000tpa of LLW to be imported directly for disposal. It is NCC's view that infilling the site with any amount of LLW would proportionally reduce the overall capacity of the site for hazardous waste disposal.¹¹¹
- 5.126 Concern about the volume of LLW was also raised by local residents. A limit on the volume of LLW was seen as one way of reducing concerns linked to the perception of harm.¹¹²
- 5.127 The DCO that is applied for in this application is for an NSIP as defined in s14(1)(p) and s30 of PA 2008. I have therefore also considered this issue in the light of those definitions of hazardous waste facilities which constitute NSIPs.
- 5.128 A question about the expected volume of LLW was raised with Augean in my first round of written questions and a further request for information issued shortly afterwards raised the possibility of a limit on LLW.¹¹³ The possibility of including a limit on the volume of LLW was raised again in my second round of written questions and discussed at the issue specific hearing on the DCO.¹¹⁴

¹¹¹ NCC/2/WR & NCC/3/LIR

¹¹² CLS/2/WR

¹¹³ ENRMF9 & 10

¹¹⁴ ENRMF23, ENRMF31 & ENRMF32

- 5.129 Augean's initial response identified an annual average rate of LLW disposal from central and southern England and Wales sites of 19,113m³ over the ten years of operation of the western extension (2017 – 2026). This could fluctuate from year to year with annual peaks of between 25,000m³ and exceptionally 50,000m³. It was argued that LLW would 'be on average no more than a small proportion of the total void space, that is less than 20%.¹¹⁵
- 5.130 Augean argued that it was not necessary to impose any limit on LLW because the disposal of LLW would be unlawful if the main purpose and activity of hazardous waste disposal was displaced. In Augean's view that was constraint enough. However if a limit was considered necessary it was suggested that this should be set as a maximum volume of LLW to be imported to the site over its operational life up to 2026. A maximum of 448,000 tonnes, equivalent to 320,000m³ was suggested. This was 20 per cent of the planned void space.
- 5.131 In response to my second round of written questions Augean repeated its case but, in addition, stated that if an annual limit on LLW was also considered necessary this should be set at 70,000 tonnes (equivalent to approximately 50,000m³).¹¹⁶ NCC accepted the lifetime maximum suggested by Augean but argued that there should also be an annual limit of 52,500tpa.¹¹⁷ This level proposed by NCC was 50 per cent above the expected annual average over the life of the site and allowed for fluctuations in demand.
- 5.132 Augean argued that even if 70,000 tonnes of LLW was imported direct to landfill in one year that still left headroom for 80,000 tonnes of hazardous waste to be imported. In addition some of the output from the soil treatment plant would go to landfill on site and the total annual capacity available for hazardous waste would be well in excess of the 100,000tpa specified in PA 2008. Augean confirmed that the availability of engineered cells to accommodate the waste inputs would not constrain the inputs to the site. If the average rate of input was higher than the expected rate of 150,000tpa the site would be filled more quickly and the life of the site would be shorter.

Findings on capacity for LLW and hazardous waste

- 5.133 In considering this issue I have taken into account the provisions of PA 2008 in respect of hazardous waste and the national policies on disposal of LLW. I have also taken into account NCC's MWDF statement on the national significance of the ENRMF as a hazardous waste disposal site and representations from local residents.

¹¹⁵ ASL202

¹¹⁶ ASL123

¹¹⁷ NCC/4

- 5.134 A hazardous waste facility is classified as an NSIP if, *inter alia*, 'the main purpose of the facility is expected to be the final disposal or recovery of hazardous waste' (s30(1)(b) PA 2008). That leaves scope for some other activity to form part of the facility. In my view it is reasonable, as considered earlier at paragraphs 2.24 to 2.27, for disposal of LLW to be included as part of the proposed development for which development consent is being sought as long as that does not prevent the NSIP from being used for its 'main purpose'.
- 5.135 If no limit is put on the volume of LLW then at the extreme 150,000tpa of LLW could be imported to the site leaving no capacity for the direct import of hazardous waste to landfill. Only material processed through the soil treatment plant could be sent to the landfill. Such an outcome would not meet local needs for hazardous waste disposal and would not allow the site to fulfil a national role.
- 5.136 Augean has argued that in practice the quantity of LLW sent to the site is expected to be well below this level. In Augean's view '(i) if at any time the amount of LLW disposed of at the site ceased to be subordinate/subsidiary to the main hazardous waste disposal activity, it would fall outside of the DCO and be unlawful.'¹¹⁸ However my concern is that if it was discovered after the landfilling of LLW had been carried out that the disposal was illegal, remedying the position by removal of LLW might not be possible. LLW sent to landfill is intended to be left undisturbed and no risk assessment has been carried out for subsequent removal. In my view a limit on the volume of LLW is necessary to avoid such an outcome and to ensure that the site continues to be operated in a way that is consistent with its status as an NSIP.
- 5.137 Although Augean did not accept that a limit was necessary, it suggested that if I considered that a limit should be imposed then this should be set as a maximum of 448,000 tonnes up to 2026. This maximum, which was agreed by NCC, would take up 20 per cent of the available void space over the life of the site. That clearly leaves hazardous waste disposal (along with soil treatment) as the main purpose of the site and I recommend that this limit should be included in the DCO.
- 5.138 The annual information on the quantity of LLW brought onto the site which is to be provided to NCC and ENC under requirement 21 of the final examination draft DCO would allow the cumulative quantity to be monitored against this limit over the life of the proposed development. NCC, as the relevant planning authority, would be able, in the first instance, to liaise with Augean in advance of the limit being reached to ensure that the limit was not

¹¹⁸ ASL203

exceeded. If necessary NCC could take enforcement action, for example, under section 171 of PA 2008.

- 5.139 I have considered whether this should be supplemented with an annual limit on the amount of LLW. I accept that annual disposal of both LLW and hazardous waste will fluctuate from year to year and that any annual limit should be higher than the average over the life of the site. I have taken into account Augean's assurance that availability of engineered cells to take waste inputs will not be a constraint. In my view it would not be in Augean's commercial interest to have to turn away hazardous waste for disposal because of a short term fluctuation in demand and the company would plan cell development accordingly. I do not, therefore, consider that an annual limit is necessary.
- 5.140 I have also considered the representations from local residents that a limit on the amount of LLW would help to reduce the perception of harm. As discussed above the perception of harm from the disposal of LLW is strongly held in the face of the evidence provided and assurances given. I think it unlikely that this perception would be much influenced by an annual limit on the amount of LLW. I have identified other mitigation measures to address perceptions of harm at paragraphs 5.121 to 5.124.

6 DRAFT DEVELOPMENT CONSENT ORDER

- 6.1 A draft DCO was submitted with the application together with an explanatory memorandum. At the time of the application the extant planning permissions for the site were due to expire on 31 August 2103 but these were, in effect, extended by NCC to 31 December 2016 on 25 October 2012. A revised draft DCO reflecting this change was submitted by Augean in November 2012.¹¹⁹ That revised draft DCO was discussed at an issue specific hearing on 7 December 2012 and a further revised draft (the final examination draft DCO), agreed with NCC as the relevant planning authority, was submitted following that discussion.¹²⁰
- 6.2 The draft DCO submitted with the application with an accompanying Explanatory Memorandum (EM) was based on the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009. Under changes brought in by the Localism Act 2011 and related secondary legislation these model provisions no longer have any formal status under the PA 2008 regime, albeit this Order has not been formally revoked. Applicants are though still free to draw on wording from this Order in drafting their DCO.
- 6.3 Schedule 1 of the application draft DCO set out general provisions largely based on the relevant model provisions and Schedule A set out a description of the works to be covered by the DCO. Article 2 provided for the granting of development consent and consent for the ancillary works. Article 6 provided for the certification of plans by reference to specific plans and documents submitted with the application including the environmental statement. Schedule 2 set out specific requirements to be met as a condition of the DCO.
- 6.4 The revised draft DCO submitted in November 2012 contained changes to reflect the time extension of planning permission for the existing site which had been granted in October. A specific reference to the continuation of landfilling of cells 4B, 5A and 5B with hazardous waste and LLW covered by that permission was added to the description of the authorised project. These changes and other questions on the draft that I circulated were discussed at the issue specific hearing on 7 December.¹²¹
- 6.5 Following the issue specific hearing on the draft DCO, Augean submitted the final examination draft DCO with further changes that had been agreed with NCC. In response to my questions the following changes were made:
- (a) A definition of hazardous waste was added to article 1 of Schedule 1;

¹¹⁹ ASL213

¹²⁰ ASL219

¹²¹ ENRMF26

- (b) References to additional plans and documents were added to article 6 of Schedule 1 and at relevant points in the requirements set out in Schedule 2;
 - (c) The proposed annual limit of 150,000 tonnes on the direct input of hazardous waste and LLW was added to the description of the authorised project .
- 6.6 In addition Augean included wording agreed with NCC on the procedure for agreeing minor amendments with the relevant planning authority. Augean also proposed to delete references in requirement 4 – Detailed approval - to section 5 and 9 to 18 inclusive of the environmental document.
- 6.7 In my view, the changes to the application DCO set out above clarify but do not alter the nature of the work covered by the DCO which was the subject of the ES and public consultation and are acceptable. I give further consideration below to the proposed requirements and to the significance of the deletion of references to sections of the environmental document.
- 6.8 I am satisfied that the development and ancillary works set out in Schedule A of the final examination draft DCO adequately describe the proposed development and that this constitutes a nationally significant infrastructure project as defined in sections 14(1)(p) and 30 of PA 2008. I am also satisfied that the plans and documents listed in article 6 are those that are relevant for showing the authorised project.

Requirements

- 6.9 The requirements included in Schedule 2 of the final examination draft DCO are largely based on conditions included in the extant planning permissions adapted to cover the proposed development. I am satisfied that these are relevant and necessary for planning purposes and meet the requirements of Circular 11/95: The Use of Conditions in Planning Permissions.
- 6.10 Requirement 1 on interpretation in relation to requirements, 2 and 3 related to commencement of works, 20 requiring display of the Order and related documents and 25 and 26 concerning requirement for written approval and amendments to approved details have been agreed with NCC and have not been subject to further comment by IPs. I do not comment further on those here. Other requirements specify how the development shall be carried out. These directly address issues reviewed in section 5 of this report and provide necessary mitigation measures if the development is to be approved. I am generally content with the wording provided in the final examination draft submitted by Augean subject to two changes set out below.¹²²

¹²² ASL219

- 6.11 Requirement 4 makes reference to those application documents or relevant sections of those documents that show or set out the EIA carried out in relation to the proposed development. The development is required to be carried out in accordance with these documents. These include works and land plans, elevations during operation and after restoration, site access details and noise management and monitoring. At 4(1) there is a general reference to sections 4 (Summary of the Proposed Development) and 6 (Restoration) of the environmental document. It was explained by the applicant at the issue specific hearing on the DCO that, unlike the construction of a building, landfill involved continuing development of the site over its life and details of construction and operation would be subject to separate regulation under environmental permits which could evolve over time. That regulation should not be duplicated in the DCO. Inclusion of these general descriptions supported by specific plans and documents provided a framework within which the work could take place. More detail, for example on the engineering of landfill cells, would be included in the environmental permits.¹²³
- 6.12 In the draft of the DCO submitted with the application, reference was also made to section 5 and 9 to 18 of the environmental document but these were excluded in the final examination draft submitted by the applicant. I have considered whether there is a case for reinstating any of these sections in the DCO.
- 6.13 I am satisfied that the description of current operations and the proposed development of the site in section 5 of the environmental document covers operational details that will be addressed in the environmental permitting process and do not, therefore, need to be included in the DCO.
- 6.14 Sections 9 to 18 cover each of the areas of possible impact from the operation of the development. These include:
- (a) Population including impacts on health;
 - (b) Socio-economic impacts;
 - (c) Air quality;
 - (d) Ecology;
 - (e) Water resources;
 - (f) Flood risk assessment;
 - (g) Landscape and visibility including cultural heritage;
 - (h) Noise;
 - (i) Transport; and
 - (j) Amenity
- 6.15 For the most part any mitigation measures proposed, e.g. related to transport, ecology and noise, are covered elsewhere in the final examination draft DCO. Other issues related to health, air quality

¹²³ ENRMF31 & ASL219a

and water resources will be covered by the environmental permitting process. However, as discussed at paragraphs 5.119 to 5.124, I consider that the mitigation measures proposed by Augean in respect of perceptions of harm and the socio-economic impact of the proposed development should be included in the DCO. These measures are set out in section 10 of the environmental document and I propose that reference to that section should be included in requirement 4.

- 6.16 Requirements 5, 6 and 7 provide for landscaping and restoration plans, ecological management and management of stockpiles. These limit the impact of the proposed development on the local environment and provide for longer term benefits from restoration after the completion of the landfill.
- 6.17 Requirement 8 covers management of stockpiles and bunds during operations on the site. These must be managed in accordance with details set out in section 5 of the ES and in specified plans. This will limit the visual impact of the proposed development.
- 6.18 Requirements 9 and 10 define the type and quantity of waste that can be disposed of and treated at the site. As discussed above at paragraphs 5.133 to 5.140, I have considered the case for including a limit on the amount of LLW to be allowed to be put into landfill at the site. The drafts submitted by Augean did not include any such limit but I have concluded that a limit of 448,000 tonnes over the life of the development to 31 December 2026 should be added to requirement 10.
- 6.19 Requirements 11, 12, 13 and 15 are related to traffic management and address the impact of site traffic on local roads. These include enhancement of existing wheel cleaning facilities to reduce mud and other debris leaving the site. A five yearly review of traffic management was included in the DCO at the application stage at the request of NCC.
- 6.20 Requirement 14 covers site security and ensures the continuing maintenance of the site security measures as set out in the environmental document. These include fencing, CCTV, lighting and other measures. This requirement addresses concerns that have been expressed about possible intrusion onto the site.
- 6.21 Requirements 16, 17 and 18 deal with details of hours operation, the gas flare structure and floodlighting which are all directed at mitigating the impact of the proposed development on the local community.
- 6.22 Requirement 19 ensures that reports on environmental monitoring submitted to the EA are copied at the same time to NCC as the relevant planning authority and to ENC. This provides for local access to relevant information and carries forward a provision from the extant planning permissions.

- 6.23 Under requirement 21 NCC will be provided with annual information on the amount of LLW and other waste received at the site. This provides an important source of information about the site both for NNC and the local community. It will also enable NCC to monitor the cumulative total of LLW against the ceiling of 448,000 tonnes over the lifetime of the proposed development that I propose should be included in requirement 10 and if necessary take enforcement action against any non-compliance with this.
- 6.24 Requirements 22 and 23 incorporate Augean's commitment to complete the landfilling and soil treatment works by 31 December 2026 in order to provide some certainty about future operations to local residents.
- 6.25 I have also identified some drafting inconsistencies in the headings in the final examination draft DCO. I have made suggested changes to address these points.
- 6.26 A draft DCO using the text of Augean's final examination draft but incorporating the additions to requirements 4 and 10 discussed in paragraphs 6.15 and 6.18 above and the drafting changes referred to in paragraph 6.25 is included at Appendix E. The additions and drafting changes that I propose should be made to the final examination draft are highlighted.

7 CONCLUSIONS AND RECOMMENDATIONS

- 7.1 The development is a nationally significant infrastructure project for which development consent is required under s30 of PA 2008.
- 7.2 Since there is no NPS for hazardous waste in effect, the final decision on this application will be taken by the Secretary of State under the provisions of section 105 of PA 2008. In reaching my conclusions and making recommendations I have therefore had regard, as specified in section 105, to local impact reports, any matters prescribed in relation to developments of the description to which the application relates and any other matters that I think may be important and relevant to the Secretary of State's decision. I have also had regard to those provisions of PA 2008 relating to international obligations.

CONSIDERATION OF POLICY

Hazardous waste

- 7.3 I have reviewed national, regional and local policies in respect of the treatment and disposal of hazardous waste. These include the NPPF, PPS10, the East Midlands RSS (in place at the time of the application but now revoked), NCC's MWDF and other local plans and the draft NPS. National, regional and local policies all support the disposal of hazardous waste in landfill as the last resort in the waste hierarchy. NCC's MWDF recognises that the site has both a regional and national role in hazardous waste management. NCC's local policies also recognise the possibility of clay extraction at the site. The development of the soil treatment plant also allows for recovery of some waste consistent with the waste hierarchy. I conclude that the proposed development of the site for hazardous waste treatment and landfill is in accordance with national, regional and local policies on hazardous waste.
- 7.4 The draft NPS states that need for hazardous waste NSIPs has been established but since this is currently only a draft I have looked at the evidence in support of need for the proposed development. On the basis of the evidence available I have concluded that there is a significant continuing level of demand for hazardous waste landfill capacity and that there would be a significant gap in the availability of disposal and soil treatment capacity after 2016 if the proposed development did not take place. I conclude on the evidence and in accordance with the draft NPS, that the need for the proposed hazardous waste facilities has been established.

Low level waste

- 7.5 The disposal of LLW in landfill is recognised in the National Policy for the Long Term Management of Solid Low Level Radioactive Waste in the United Kingdom and in the UK Strategy for the Management of Solid Low Level Radioactive Waste from the

Nuclear Industry as part of the waste hierarchy for this type of waste material. The NDA has confirmed that co-disposal of LLW and hazardous waste is acceptable. There are no relevant regional or local policies on disposal of LLW. I conclude that the proposal to dispose of LLW in landfill along with hazardous waste is in accordance with national policy on the disposal of LLW.

- 7.6 The UK Strategy for the Management of Solid Low Level Radioactive Waste from the Nuclear Industry recognises that the UK will generate significantly more LLW than the potential disposal capacity at the existing LLWR and that only wastes that require highly engineered multi-barrier containment should use the LLWR facility. There is a need for alternative waste management routes, including landfill disposal, for wastes diverted from the LLWR.
- 7.7 There are few alternative sites accepting LLW and the ENRMF is the only site in the centre and south of England where, it is estimated, 20,000 m³ (28,000 tonnes) of LLW may be generated per year. There will be additional LLW for disposal arising in the North of England. I conclude that there will be a continuing requirement for LLW landfill disposal facilities in the period up to 2026 covered by this application and that the use of the ENRMF site for this purpose would contribute to meeting that need.

The proximity principle

- 7.8 The proximity principle, derived from the WFD, is that member states should move towards self sufficiency in waste disposal so as to enable waste to be disposed of in one of the nearest appropriate installations. Within England, the Hazardous Waste Strategy is 'to ensure that the country as a whole is self sufficient in hazardous waste disposal, facilities are put in place for hazardous waste recovery in England, and the proximity principle is met.' But the Strategy also states that the aim 'is not to move to complete regional self sufficiency for hazardous waste management, which is not required by the WFD and is unrealistic, not least because some hazardous waste facilities provide a national need.'
- 7.9 The Policy and Strategy documents on the Long Term Management of Solid Low Level Radioactive Waste also acknowledged the need to base plans for management of LLW on appropriate consideration of the proximity principle but that this must be balanced with all the other relevant factors on a case by case basis. It is acknowledged that as with some hazardous wastes the nearest appropriate facility may be a considerable distance from where the waste is generated.
- 7.10 Consignors of both hazardous waste and LLW are required to take the proximity principle into account in deciding where to send waste for disposal. In the case of LLW each consignment requires

a permit from the EA and consideration of transport and use of alternative sites will have been taken into account.

- 7.11 The proximity principle is a relevant consideration in planning policy for both hazardous waste and LLW but it is not an overriding one. Allowing a balance between the proximity principle and other factors is established policy in the field of waste management, including LLW and is applied in practice in the assessments required for individual consignments of waste. The proximity principle does not require the application to be refused just because waste may travel some distance from its origin.

EXAMINATION ISSUES

- 7.12 In their LIRs, NCC and ENC identified aspects of the proposed development that were of concern to the local community and I have taken these into account in my consideration of issues. CCC and PCC in a joint LIR did not raise any objections to the proposal. I have also taken into account representations made by IPs some of whom opposed and some of whom supported the application.

Direct impact on health

- 7.13 I have considered the concerns raised during the examination in detail. The main concerns were related to LLW and the possibility of emissions from the site which could have direct impacts on health. Control of emissions with set limits and regular monitoring are covered by environmental permitting which is the responsibility of the EA. Risks associated with hazardous waste and LLW have been assessed in the ES and supporting documents and the risk assessments have been accepted by the EA.
- 7.14 From the information provided in the application and during the course of the examination I am satisfied that:
- (a) Potential releases can be adequately regulated and monitored under the pollution control framework. The EA has received the information necessary to issue environmental permits in respect of hazardous waste disposal, soil treatment, gas flaring and disposal of LLW. These continue in place for the time extension of the operation of the site to 31 December 2016.
 - (b) If changes are sought to increase the radiological capacity of the site it will be necessary to apply for a new permit. The EA would be in a position to obtain the necessary information and analysis that would allow it to assess any such application.
 - (c) Any new or revised environmental permits will only be granted if the EA and its statutory consultees, including the HPA, are satisfied that there are no unacceptable risks to human health and the environment. The EA will continue to require a financial bond to be in place to cover obligations

under the permits, including maintenance and aftercare of the site.

- 7.15 Apart from noise management which is the subject of a separate noise management scheme, I do not see any need for requirements to be included in the DCO relating to control of emissions or the direct impact on health because those are or will be set out in environmental permits.

Transport

- 7.16 I am satisfied that the impact of transport generated by the proposed development has been adequately assessed including the cumulative impact taking account of other known developments nearby. Impacts requiring mitigation include hours of operation, access to the site, vehicle routing, traffic management and wheel washing facilities. I conclude that the requirements proposed for inclusion in the DCO are necessary and appropriate to provide mitigation. I also conclude that it is appropriate for an annual contribution of £5,000 to be made by Augean to the highways authority for highway maintenance in recognition of the impact of the proposed development on roads outside the site and for this to be included in a s106 agreement.

Safety

- 7.17 The safe operation of the site forms part of the set of issues that are considered by the EA during the permitting period and I am satisfied that the EA has been and will continue to be able to take safety concerns into account in issuing and monitoring permits. Site security measures including fencing are also included as a requirement in the DCO. I conclude that these are adequate safety provisions.

Ecology, landscape and cultural heritage

- 7.18 There are no European sites that may be affected by the proposed development and I am satisfied that the competent authority is not required to carry out an appropriate assessment. The proposed development will have a visual impact during its years of operation but the landscaping and restoration which forms part of the application will have a positive effect. This is ensured through requirements in the DCO. There is no direct or indirect effect on cultural heritage assets or archaeology.

Social and economic impact

- 7.19 Operation of the site brings benefits to the local economy through employment at the site and expenditure with local businesses. Augean also contributes financially to local community activities. However amongst many people in the local community there is a perception of harm both to health and to the social and economic fabric of the area. This is not supported by specific evidence, but

the belief that it is real is strongly held. Such concerns can influence behaviour even when not supported by scientific or other evidence. The proposed extension of the operation of the site to 2026 adds to perception that the risk of harm will be permanent. I conclude that the continuing perception of harm is an adverse effect of the proposed development and actions to address such perceptions should be included in the DCO. My proposal is set out in paragraphs 6.12 to 6.15 above.

- 7.20 Augean currently makes a contribution of £5 per tonne of LLW to a Community Fund set up by NCC. This is used to support local projects. This fund provides local benefits which may help to offset perceptions of harm. Augean proposes to continue this payment and I conclude that it is appropriate for this to be included in a s106 agreement.

OTHER CONSIDERATIONS

- 7.21 I have also considered whether there should be a limit on the quantity of LLW disposed of at the site. For the reasons set out at paragraphs 5.133 to 5.140 and summarised at 6.18, I have concluded that in order to ensure that the site continues to qualify as a hazardous waste NSIP, there should be a limit and have proposed a level to be included in the DCO.
- 7.22 I have considered whether the Secretary of State in deciding to grant consent in this case would lead to the UK being in breach of any of its international obligations concerning protected sites and species or waste management, or would be in breach of any duty imposed on him under any enactment or whether deciding to grant consent in this case would be unlawful under any enactment. I am not aware of any international obligations or other duties that would be breached or of reasons why deciding to grant consent in this case would be unlawful.

THE DEVELOPMENT CONSENT ORDER

- 7.23 I conclude that the draft DCO submitted with the application and amended by the applicant during the course of the Examination is appropriate for the implementation of the proposed development subject to the two additions and drafting changes described in section 6 above. It provides necessary mitigation for potential adverse effects of the development.

RECOMMENDATION

- 7.24 Having regard to the LIRs, prescribed matters and all important and relevant matters and for the reasons set out above I recommend that the Secretary of State for Communities and Local Government grant development consent and make the East Northamptonshire Resource Management Facility (ENRMF) Order in the form set out in Appendix E.

APPENDIX A: THE EXAMINATION AS IT OCCURRED

The table below lists the main 'events' that occurred during the examination and main procedural decisions taken by the ExA.

Date	Examination Event
26 July 2012	Preliminary meeting and start of the examination.
3 August 2012	<u>Issue of:</u> <ul style="list-style-type: none">- Note of preliminary meeting held on 26 July 2012.- Procedural timetable.- First written questions.- First request for statements of common ground. <u>Deadline for receipt by the ExA of:</u> <ul style="list-style-type: none">- Submission by the applicant of any documents relating to the applicant's proposed clarifications, corrections and omissions to the application and environmental information.
10 August 2012	<u>Deadline for receipt by the ExA of:</u> <ul style="list-style-type: none">- Statutory parties written confirmation that they wish to become an interested party.
23 August 2012	<u>Issue of:</u> <ul style="list-style-type: none">- ExA's request for further information in the ExA's letter dated 23 August 2012.
10 September 2012	<u>Deadline for receipt by the ExA of:</u> <ul style="list-style-type: none">- Comments on relevant representations.- Written representations by all interested parties.- Responses to ExA's first written questions.- Notification by interested parties to make oral representations on the specific issues being examined at the first issue specific hearing relating to the control of emissions, impacts on health and transport issues.- Notification of wish to attend the accompanied site visit and any representations relating to locations to view at or near the site and in the surrounding area.- Local impact reports by all local authorities.

- 14 September 2012 Deadline for receipt by the ExA of:
- Responses to ExA's request for further information issued on 23 August 2012.
- 24 September 2012 Notification by ExA of date, time and place for:
- First issue specific hearing covering control of emissions, impact on health and transport matters.
- Accompanied site visit.
- 3 October 2012 Deadline for receipt by the ExA of:
- Comments on written representations, responses to comments on relevant representations and statements of common ground.
- Comments on local impact reports.
- Comments on responses to ExA's first written questions.
- 5 October 2012 Deadline for receipt by the ExA of:
- Comments on responses to ExA's request for further information issued on 23 August 2012.
- 17 October 2012 Accompanied site visit to the application site and the surrounding area.
- 18 & 19 October 2012 First issue specific hearing relating to control of emissions, impacts on health and transport issues.
- 24 October 2012 Deadline for receipt by the ExA of:
- Any written summary of the oral case put at the issue specific hearing on control of emissions, impacts on health and transport issues and any documents requested and resulting drafting amendments.
- Notification of wish to be heard at an open floor hearing by interested parties.
- Notification of wish to make oral representations at the second issue specific hearing, relating to the Draft DCO, requirements, s106 undertaking and related local impact report matters, by interested parties.

29 October 2012	<p><u>Issue of:</u></p> <ul style="list-style-type: none">- ExA's second round of written questions.- Second request for statements of common ground.- Request for comment on written summaries of oral cases put at the issue specific hearing. <p><u>Notification by ExA of date time and place for:</u></p> <ul style="list-style-type: none">- The open floor hearing.- The second issue specific hearing relating to the draft DCO, requirements, s106 undertaking and related local impact report matters.- Any other hearings (in the event that the ExA decides during the progress of the examination that they are needed) by interested parties.
19 November 2012	<p><u>Deadline for receipt by the ExA of:</u></p> <ul style="list-style-type: none">- Responses to ExA's second written questions.- Second requested statements of common ground.- Comments on written summaries of cases put at the issue specific hearing.
5 December 2012	<p><u>Deadline for receipt by the ExA of:</u></p> <ul style="list-style-type: none">- Comments on responses to ExA's second round of written questions.- Any final statements of common ground.
6 December 2012	Open floor hearing.
7 December 2012	Second issue specific hearing relating to the draft DCO, requirements, s106 undertaking and related local impact report matters.
13 December 2012	<p><u>Deadline for receipt by the ExA of:</u></p> <ul style="list-style-type: none">- Any written summary of the case put orally at the issue specific hearing on the draft DCO, requirements, s106 undertaking and related local impact report matters.- Any written summary of the case put orally at any open floor hearings held.- Any proposed amendments to the draft DCO, requirements and s106 undertakings.

- 17 December 2012 Issue of:
- Request for comments on written summaries of oral cases put at the open floor hearing, the second issue specific hearing and any other hearings.
- 21 December 2012 Issue of:
- ExA's request for further information in the ExA's letter dated 21 December 2012.
- 7 January 2013 Deadline for receipt by the ExA of:
- Comments on written summaries of cases put at the open floor hearing, the second issue specific hearing and any other hearings.
- 11 January 2013 Deadline for receipt by the ExA of:
- Responses to ExA's request for further information issued on 21 December 2012.
- 21 January 2013 Deadline for receipt by the ExA of:
- Comments on responses to ExA's request for further information issued on 21 December 2012.
- 22 January 2013 Close of the examination.

APPENDIX B: LIST OF THOSE WHO ATTENDED THE PRELIMINARY MEETING, HEARINGS AND THE ACCOMPANIED SITE INSPECTION

Preliminary meeting

26 July 2012; commenced at 10:30am; at the Holiday Inn Corby – Kettering A43, Geddington Road, Corby, Northamptonshire, NN18 8ET

[REDACTED]	Examining Authority
[REDACTED]	Augean South Limited
[REDACTED] of Francis Taylor Building	
[REDACTED]	Augean South Limited
[REDACTED] of Dickinson Dees LLP	
[REDACTED]	Augean South Limited
[REDACTED]	Augean South Limited
[REDACTED] of MJCA	
[REDACTED]	Augean South Limited
[REDACTED] of Jennings Nicholson Associates	
[REDACTED]	Augean South Limited
[REDACTED]	Augean South Limited
[REDACTED]	Environmental Agency
[REDACTED]	Northamptonshire County Council
[REDACTED]	Northamptonshire County Council
[REDACTED]	East Northamptonshire Council
[REDACTED]	East Northamptonshire Council
[REDACTED]	Peterborough City Council
[REDACTED]	Oxfordshire County Council
[REDACTED]	Corby Borough Council
[REDACTED]	Corby Borough Council
[REDACTED]	Woodnewton Parish Council
[REDACTED]	Research Sites Restoration Ltd
[REDACTED]	
[REDACTED]	
[REDACTED]	Northamptonshire Telegraph

Accompanied site inspection

17 October 2012; commenced at 11:00am from the East Northamptonshire Resource Management Facility, Stamford Road, Kings Cliffe, Northamptonshire, PE8 6XX

[REDACTED]	Examining Authority
[REDACTED]	Augean South Limited
[REDACTED]	Augean South Limited
[REDACTED]	Environment Agency
[REDACTED]	Northamptonshire County Council
[REDACTED]	
[REDACTED]	

Issue specific hearing on control of emissions, impacts on health and transport issues

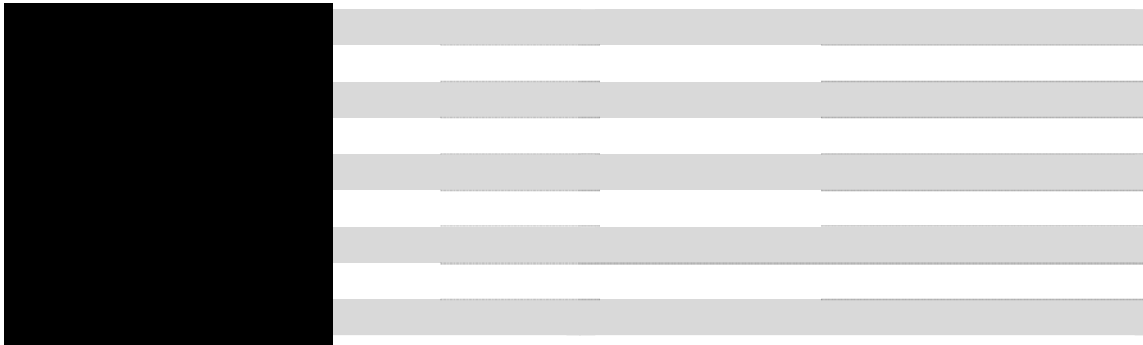
18 and 19 October 2012; commenced at 9:30am at Kings Cliffe Active, Kingsmead, Station Road, Kings Cliffe, PE8 6YH

[REDACTED]	Examining Authority
[REDACTED]	Augean South Limited
[REDACTED] of Francis Taylor Building	
[REDACTED]	Augean South Limited
[REDACTED] of Dickinson Dees LLP	
[REDACTED]	Augean South Limited
[REDACTED]	Augean South Limited
[REDACTED] of MJCA	
[REDACTED]	Augean South Limited
[REDACTED] of MJCA	
[REDACTED]	Augean South Limited
[REDACTED] Of Eden Nuclear and Environment	
[REDACTED]	Augean South Limited
[REDACTED] Of Fairhurst – Consulting Engineers	
[REDACTED]	Augean South Limited
[REDACTED] Of Jennings Nicholson Associates	
[REDACTED]	Environment Agency
[REDACTED]	Environment Agency
[REDACTED]	Environment Agency
[REDACTED]	Environment Agency
[REDACTED]	Northamptonshire County Council
[REDACTED]	Northamptonshire County Council
[REDACTED]	Northamptonshire County Council (Transport Highways and Infrastructure)
[REDACTED]	East Northamptonshire Council
[REDACTED]	East Northamptonshire Council
[REDACTED]	Collyweston Parish Council
[REDACTED]	Harringworth Parish Council
[REDACTED] (on behalf of himself and Woodnewton Parish Council)	Woodnewton Parish Council
[REDACTED]	Transition King’s Cliffe
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	

Open floor hearings

6 December 2012; commenced at 1:30pm at Kings Cliffe Memorial Hall (Kings Cliffe Village Hall), Eagle Lane, Kings Cliffe, Peterborough, PE8 6XN

[REDACTED]	Examining Authority
[REDACTED]	Augean South Limited
of Francis Taylor Building	
[REDACTED]	Augean South Limited
of Dickinson Dees LLP	
[REDACTED]	Augean South Limited
[REDACTED]	Augean South Limited
of MJCA	
[REDACTED]	Augean South Limited
Of Eden Nuclear and Environment	
[REDACTED]	Augean South Limited
Of Fairhurst – Consulting Engineers	
[REDACTED]	Augean South Limited
Of Jennings Nicholson Associates	
[REDACTED]	Augean South Limited
Of Ecological Services Limited	
[REDACTED]	Augean South Limited
[REDACTED]	Environment Agency
[REDACTED]	Environment Agency
[REDACTED]	Northamptonshire County Council
[REDACTED]	Northamptonshire County Council
[REDACTED]	Northamptonshire County Council
[REDACTED]	(Transport Highways and Infrastructure)
[REDACTED]	East Northamptonshire Council
[REDACTED] (on behalf of	Woodnewton Parish Council
himself and Woodnewton Parish Council)	
[REDACTED]	East Midlands Campaign for Nuclear Disarmament
[REDACTED]	[REDACTED]
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	



Issue specific hearing on the draft DCO, requirements, section 106 undertaking and related local impact report matters

7 December 2012; commenced at 9:30am at Kings Cliffe Active, Kingsmead, Station Road, Kings Cliffe, PE8 6YH

[Redacted]	Examining Authority
[Redacted]	Augean South Limited
of Francis Taylor Building	
[Redacted]	Augean South Limited
of Dickinson Dees LLP	
[Redacted]	Augean South Limited
[Redacted]	Augean South Limited
of MJCA	
[Redacted]	Augean South Limited
Of Jennings Nicholson Associates	
[Redacted]	Environment Agency
[Redacted]	Environment Agency
[Redacted]	Environment Agency
[Redacted]	Environment Agency
[Redacted]	Northamptonshire County Council
[Redacted]	Northamptonshire County Council
[Redacted]	Northamptonshire County Council (Transport Highways and Infrastructure)
[Redacted]	East Northamptonshire Council
[Redacted]	Collyweston Parish Council
[Redacted]	
[Redacted]	
[Redacted]	

APPENDIX C: EXAMINATION DOCUMENTS

Electronic Documents List for the proposed East Northamptonshire Resource Management Facility application examination.

DOCUMENT REFERENCE	DOCUMENT NAME	DATE PUBLISHED	AUTHOR
APPLICATION DOCUMENTS			
ASL1	<u>Application form</u>	07/03/2012	Augean South Limited
ASL2	<u>Newspaper notices</u>	03/2012	Augean South Limited
ASL3	<u>Draft development consent order</u>	08/03/2012	Augean South Limited
ASL4	<u>Explanatory memorandum</u>	08/03/2012	Augean South Limited
ASL5	<u>Environmental statement</u>	03/2012	Augean South Limited
ASL6	<u>Environmental statement - non technical summary</u>	03/2012	Augean South Limited
ASL7	<u>Environmental statement appendix ESA</u>	03/2012	MJCA
ASL8	<u>Environmental statement appendix ESB</u>	03/2012	MJCA
ASL9	<u>Environmental statement appendix ESC</u>	03/2012	MJCA
ASL10	<u>Environmental statement appendix ESD</u>	03/2012	MJCA
ASL11	<u>Environmental statement appendix ESE</u>	03/2012	MJCA
ASL12	<u>Environmental statement appendix ESF</u>	03/2012	MJCA
ASL13	<u>Environmental statement appendix ESG</u>	03/2012	MJCA
ASL14	<u>Environmental statement appendix ESH</u>	03/2012	MJCA
ASL15	<u>Environmental statement appendix ESI</u>	03/2012	MJCA
ASL16	<u>Environmental statement appendix ESJ</u>	03/2012	MJCA
ASL17	<u>Environmental statement appendix ESK</u>	03/2012	MJCA
ASL18	<u>Environmental statement appendix ESL</u>	03/2012	MJCA
ASL19	<u>Environmental statement appendix ESM</u>	03/2012	MJCA
ASL20	<u>Environmental statement appendix ESN</u>	03/2012	MJCA
ASL21	<u>Environmental statement appendix ESO</u>	03/2012	MJCA
ASL22	<u>Environmental statement appendix ESP</u>	03/2012	MJCA
ASL23	<u>Draft section 106 agreement</u>	03/2012	Augean South Limited
ASL24	<u>Land plan</u>	09/03/2012	Augean South Limited
ASL25	<u>Works plan</u>	09/03/2012	Augean South Limited
ASL26	<u>Restoration scheme</u>	03/2012	Augean South Limited
ASL27	<u>Proposed post-settlement contours restoration</u>	03/2012	Augean South Limited
ASL28	<u>Elevations of the stockpiles and bunds</u>	09/03/2012	Augean South Limited
ASL29	<u>Elevations of the main infrastructure including buildings</u>	09/03/2012	Augean South Limited
ASL30	<u>The site access from Stamford Road - plan showing the site access</u>	09/03/2012	Augean South Limited
ASL31	<u>Elevations of the infrastructure associated with the soil treatment plant</u>	09/03/2012	Augean South Limited
ASL32	<u>The statutory and non-statutory sites or features of the historic environment in the vicinity of the site</u>	09/03/2012	Augean South Limited
ASL33	<u>Table accompanying historic plan</u>	09/03/2012	Augean South

			Limited
ASL34	<u>Insets showing statutory and non-statutory sites or features of the historic environment in the vicinity of the site</u>	09/03/2012	Augean South Limited
ASL35	<u>Statutory and non-statutory sites of ecological interest in the vicinity of the site</u>	09/03/2012	Augean South Limited
ASL36	<u>Table accompanying ecological plan</u>	09/03/2012	Augean South Limited
ASL37	<u>Statutory and non-statutory sites of ecological interest closest to the site</u>	09/03/2012	Augean South Limited
ASL38	<u>Consultation report</u>	03/2012	Augean South Limited
ASL39	<u>Consultation report appendix CRA</u>	03/2012	Augean South Limited
ASL40	<u>Consultation report appendix CRB</u>	03/2012	Augean South Limited
ASL41	<u>Consultation report appendix CRC</u>	03/2012	Augean South Limited
ASL42	<u>Consultation report appendix CRD</u>	03/2012	Augean South Limited
ASL43	<u>Consultation report appendix CRE</u>	03/2012	Augean South Limited
ASL44	<u>Consultation report appendix CRF</u>	03/2012	Augean South Limited
ASL45	<u>Consultation report appendix CRG</u>	03/2012	Augean South Limited
ASL46	<u>Consultation report appendix CRH</u>	03/2012	Augean South Limited
ASL47	<u>Consultation report appendix CRI</u>	03/2012	Augean South Limited
ASL48	<u>Consultation report appendix CRJ</u>	03/2012	Augean South Limited
ASL49	<u>Consultation report appendix CRK</u>	03/2012	Augean South Limited
ASL50	<u>Consultation report appendix CRL</u>	03/2012	Augean South Limited
ASL51	<u>Consultation report appendix CRM</u>	03/2012	Augean South Limited
ASL52	<u>Consultation report appendix CRN</u>	03/2012	Augean South Limited
ASL53	<u>Consultation report appendix CRO</u>	03/2012	Augean South Limited
ASL54	<u>Consultation report appendix CRP</u>	03/2012	Augean South Limited
ASL55	<u>Consultation report appendix CRO</u>	03/2012	Augean South Limited
ASL56	<u>Consultation report appendix CRR</u>	03/2012	Augean South Limited
ASL57	<u>Consultation report appendix CRS</u>	03/2012	Augean South Limited
ASL58	<u>Consultation report appendix CRT</u>	03/2012	Augean South Limited
ASL59	<u>Consultation report appendix CRU</u>	03/2012	Augean South Limited
ASL60	<u>Consultation report appendix CRV</u>	03/2012	Augean South Limited
ASL61	<u>Consultation report appendix CRW</u>	03/2012	Augean South Limited
ASL62	<u>Consultation report appendix CRX</u>	03/2012	Augean South Limited
ASL63	<u>Consultation report appendix CRY</u>	03/2012	Augean South Limited

ASL64	<u>Consultation report appendix CRZ</u>	03/2012	Augean South Limited
ASL65	<u>Consultation report appendix CRAA</u>	03/2012	Augean South Limited
ASL66	<u>Consultation report appendix CRAB</u>	03/2012	Augean South Limited
ASL67	<u>Consultation report appendix CRAC</u>	03/2012	Augean South Limited
ASL68	<u>Consultation report appendix CRAD</u>	03/2012	Augean South Limited
ASL69	<u>Consultation report appendix CRAE</u>	03/2012	Augean South Limited
ASL70	<u>Consultation report appendix CRAF</u>	03/2012	Augean South Limited
ASL71	<u>Consultation report appendix CRAG</u>	03/2012	Augean South Limited
ASL72	<u>Consultation report appendix CRAH</u>	03/2012	Augean South Limited
ASL73	<u>Consultation report appendix CRAI</u>	03/2012	Augean South Limited
ASL74	<u>Consultation report appendix CRAJ</u>	03/2012	Augean South Limited
ASL75	<u>Consultation report appendix CRAK</u>	03/2012	Augean South Limited
ASL76	<u>Consultation report appendix CRAL</u>	03/2012	Augean South Limited
ASL77	<u>Statutory nuisance statement</u>	03/2012	MJCA
ASL78	<u>Habitat assessment screening report</u>	03/2012	MJCA
ASL79	<u>Planning statement</u>	03/2012	Augean South Limited
ASL80	<u>Planning statement appendix PSA</u>	03/2012	Augean South Limited
ASL81	<u>Planning statement appendix PSB</u>	03/2012	Augean South Limited
ASL82	<u>Planning statement appendix PSC</u>	03/2012	Augean South Limited
ASL83	<u>Planning statement appendix PSD</u>	03/2012	Augean South Limited
ASL84	<u>Planning statement appendix PSE</u>	03/2012	Augean South Limited
ASL85	<u>Planning statement appendix PSF</u>	03/2012	Augean South Limited
POLICY DOCUMENTS			
PD1	<u>The Hazardous Waste (England and Wales) Regulations 2005</u>	03/2005	
PD2	<u>The List of Wastes (England) Regulations 2005</u>	07/2005	
PD3	<u>Planning for Sustainable Waste Management: Companion guide to Planning Policy Statement 10</u>	13/06/2006	Department for Communities and Local Government
PD4	<u>Policy for the Long Term Management of Solid Low Level Radioactive Waste in the United Kingdom</u>	26/03/2007	DEFRA, DTI and the Devolved Administrations
PD5	<u>Waste Strategy for England 2007</u>	05/2007	DEFRA
PD6	<u>East Midlands Regional Plan</u>	03/2009	Government Office for the East Midlands
PD7	<u>The Hazardous Waste (England and Wales) (Amendment) Regulations 2009</u>	04/2009	

PD8	<u>A Strategy for Hazardous Waste Management in England</u>	03/2010	DEFRA
PD9	<u>The Environmental Permitting (England and Wales) Regulations 2010</u>	10/03/2010	
PD10	<u>Northamptonshire Minerals and Waste Development Framework – Core Strategy Development Plan Document</u>	5/2010	Northamptonshire County Council
PD11	<u>UK Strategy for the Management of Solid Low Level Radioactive Waste from the Nuclear Industry</u>	08/2010	Nuclear Decommissioning Authority
PD12	<u>The Waste (England and Wales) Regulations 2011</u>	28/03/2011	
PD13	<u>Planning Policy Statement 10: Planning for Sustainable Waste Management</u>	30/03/2011	Department for Communities and Local Government
PD14	<u>Consultation on a Draft National Policy Statement for Hazardous Waste</u>	07/2011	DEFRA
PD15	<u>Guidance on applying the waste hierarchy to hazardous waste</u>	11/2011	DEFRA
PD16	<u>Strategy for the management of solid low level radioactive waste from the non-nuclear industry in the United Kingdom: Part 1 – Anthropogenic radionuclides</u>	12/03/2012	Department of Energy & Climate Change
PD17	<u>National Planning Policy Framework</u>	27/03/2012	Department for Communities and Local Government
PD18	<u>Environment Agency’s Groundwater Protection: Principles and practice (GP3) November 2012, Version 1</u>	11/2012	Environment Agency
PD19	<u>Northamptonshire Minerals and Waste Development Framework – Location of Minerals Development</u>	17/03/2011	Northamptonshire
PD20	<u>Northamptonshire Minerals and Waste Development Framework – Locations for Waste Development</u>	17/03/2011	Northamptonshire
PD21	<u>Northamptonshire Minerals and Waste Development Framework – Control and Management of Development</u>	30/06/2011	Northamptonshire
PD22	<u>Northamptonshire Minerals and Waste Development Framework – Proposals Map</u>	06/2011	Northamptonshire
	EXAMINATION DOCUMENTS		
ENRMF1	<u>Acceptance decision letter</u>	11/04/2012	Planning Inspectorate
ENRMF2	<u>Section 55 (PA 2008) acceptance checklist</u>	05/04/2012	Planning Inspectorate
ENRMF3	<u>Rule 4 letter – appointment of the Examining Authority</u>	02/07/2012	
ENRMF4	<u>Rule 6 letter with arrangements for preliminary meeting and initial assessment of principle issues</u>	02/07/2012	Examining Authority
ENRMF5	<u>Secretary of State Transboundary Impacts Consultation Screening Matrix</u>	20/07/2012	
ENRMF6	<u>Preliminary meeting audio recording 1</u>	26/07/2012	
ENRMF7	<u>Preliminary meeting audio recording 2</u>	26/07/2012	
ENRMF8	<u>Preliminary meeting note</u>	26/07/2012	
ENRMF9	<u>Rule 8 letter with first round of ExA’s written questions</u>	03/08/2012	Examining Authority
ENRMF10	<u>ExA’s request for further information and revised timetable issued 23 August 2012</u>	23/08/2012	Examining Authority
ENRMF11	<u>Revised examination timetable as at 23 August 2012</u>	23/08/2012	Examining Authority
ENRMF12	<u>Notification to interested parties of site inspection on 17 October 2012</u>	21/09/2012	Examining Authority

ENRMF13	<u>Notification to interested parties of the issue specific hearing on 18 and 19 October 2012</u>	21/09/2012	Examining Authority
ENRMF14	<u>Notice of issue specific hearing to be held on 18 and 19 October 2012</u>	21/09/2012	Augean South Limited
ENRMF15	<u>Itinerary for 17 October 2012 site inspection and agenda for 18 and 19 October 2012 issue specific hearing</u>	05/10/2012	Examining Authority
ENRMF16	<u>Questions for the 18 and 19 October 2012 issue specific hearing</u>	16/10/2012	Examining Authority
ENRMF17	<u>Audio recording of the issue specific hearing on control of emissions, impact on health and transport issues held on 18 October 2012 – session 1</u>	18/10/2012	
ENRMF18	<u>Audio recording of the issue specific hearing on control of emissions, impact on health and transport issues held on 18 October 2012 – session 2</u>	18/10/2012	
ENRMF19	<u>Audio recording of the issue specific hearing on control of emissions, impact on health and transport issues held on 18 October 2012 – session 3</u>	18/10/2012	
ENRMF20	<u>Audio recording of the issue specific hearing on control of emissions, impact on health and transport issues held on 19 October 2012 – session 1</u>	19/10/2012	
ENRMF21	<u>Audio recording of the issue specific hearing on control of emissions, impact on health and transport issues held on 19 October 2012 – session 2</u>	19/10/2012	
ENRMF22	<u>Notification to interested parties of open floor hearing and issue specific hearing on the DCO, requirements, section 106 undertakings and related LIR matters to be held on 6 and 7 December 2012</u>	29/10/2012	Examining Authority
ENRMF23	<u>ExA's second round of written questions</u>	29/10/2012	Examining Authority
ENRMF24	<u>Notice of open floor hearing to be held on 6 December 2012 and issue specific hearing to be held on 7 December 2012</u>	05/11/2012	Augean South Limited
ENRMF25	<u>Arrangements for the open floor hearing to be held 6 December 2012</u>	26/11/2012	Examining Authority
ENRMF26	<u>Agenda for the issue specific hearing on the DCO, requirements, section 106 undertakings and related LIR matters to be held 7 December 2012</u>	26/11/2012	Examining Authority
ENRMF27	<u>Audio recording of the open floor hearing held on 6 December 2012 session 1</u>	11/12/2012	
ENRMF28	<u>Audio recording of the open floor hearing held on 6 December 2012 session 2</u>	11/12/2012	
ENRMF29	<u>Audio recording of the open floor hearing held on 6 December 2012 session 3</u>	11/12/2012	
ENRMF30	<u>Audio recording of the open floor hearing held on 6 December 2012 session 4</u>	11/12/2012	
ENRMF31	<u>Audio recording of the hearing on the DCO, requirements, s106 undertakings and related LIR matters held on 7 December 2012 Session 1</u>	11/12/2012	
ENRMF32	<u>Audio recording of the hearing on the DCO, requirements, s106 undertakings and related LIR matters held on 7 December 2012 Session 2</u>	11/12/2012	
ENRMF33	<u>ExA's request for further information and revised timetable issued 21 December 2012</u>	21/12/2012	
ENRMF34	<u>Revised examination timetable as at 21 December</u>	21/12/2012	

	<u>2012</u>		
ENRMF 35	<u>Section 102 A requests to become an interested party</u>	08/2012	
	APPLICANT'S SUBMISSIONS		
ASL197	<u>Certificate of compliance with Planning Act 2008 section 56</u>	11/06/2012	
ASL198	<u>Certificate of compliance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 regulation 13</u>	11/06/2012	
ASL199	<u>List of errata noted in the application documents</u>	08/2012	
ASL200a	<u>Augean draft comments on relevant representations</u>	08/2012	
ASL200b	<u>Augean comments on relevant representations</u>	09/2012	
ASL201	<u>Augean comments on the local impact report from East Northamptonshire Council</u>	09/2012	
ASL202	<u>Augean response to the ExA's first round of written questions</u>	09/2012	
ASL203	<u>Augean Response to the ExA's 23 August 2012 rule 17 request for further information</u>	14/09/2012	
ASL204	<u>Augean comments on the written representation from Chris Leuchars</u>	10/2012	
ASL205	<u>Augean comments on the written representation from Louise Bowen-West</u>	10/2012	
ASL206	<u>Augean comments on the written representation and local impact report from Northamptonshire County Council</u>	10/2012	
ASL207	<u>Augean comments on the written Representation from Dr Geoffrey Mason</u>	10/2012	
ASL208	<u>Augean - covering letter for its comments on the local impact reports and written representations</u>	03/10/2012	MJCA
ASL209	<u>Augean – comments on the Health and Safety Executive's 26 September 2012 submission</u>	05/10/2012	
ASL210	<u>Augean – comments on relevant representations</u>	10/10/2012	MJCA
ASL211	<u>Augean - response to Dr Cox's comments on the SoCG, Augean's comments on the relevant representations and answers to ExA's first questions</u>	16/10/2012	MJCA
ASL212	<u>Augean - planning permissions and S106 agreement for the time extension to 31 December 2016</u>	25/10/2012	
ASL213	<u>Augean response to the ExA's second round of written questions</u>	19/11/2012	MJCA
ASL214	<u>Augean comments on written summary of case made by Daniel Cox at the first issue specific hearing on 18-19 October 2012</u>	19/11/2012	MJCA
ASL215	<u>Augean submission on Mrs Margaret Scott email referred to at the first issue specific hearing on 18-19 October 2012</u>	19/11/2012	MJCA
ASL216	<u>Augean submission in response to the first issue specific hearing on 18-19 October 2012</u>	24/10/2012	MJCA
ASL217	<u>Revised Draft s106 as at 26 November 2012</u>	26/11/2012	
ASL218	<u>Augean comments on Chris Leuchars response to the ExA's second round of written questions</u>	3/12/2012	MJCA
ASL219	<u>Augean submission on 6 and 7 December 2012 hearing – including a summary of submissions made at the open floor hearing, responses and a further revised draft DCO</u>	13/12/2012	MJCA
ASL219a	<u>Working draft comments: review of the comments</u>	12/2012	Augean

	<u>made by the ExA on the draft DCO provided on 26 November 2012 together with proposed changes</u>		
ASL220	<u>Section 106 agreement signed, sealed and dated 14 January 2013</u>	18/01/2013	
ASL221	<u>Augean comments on the Cumbria County Council response to the SoCG between Augean and the Nuclear Decommissioning Authority</u>	18/01/2013	MJCA
ASL222	<u>Augean comments on the comments from the Campaign for Nuclear Disarmament and Dr Daniel Cox's email to Gene Wilson</u>	18/01/2013	MJCA
ASL223	<u>Augean response to the ExA's 21 December 2012 rule 17 request for further information</u>	10/01/2013	MJCA
	STATEMENTS OF COMMON GROUND		
SOCG1	<u>Statement of common ground between Augean and Natural England</u>	09/2012	MJCA
SOCG2	<u>Statement of common ground between Augean and the Health Protection Agency</u>	09/2012	MJCA
SOCG3	<u>Statement of common ground between Augean and East Northamptonshire Council</u>	09/2012	MJCA
SOCG4	<u>Statement of common ground between Augean and the Environment Agency</u>	09/2012	MJCA
SOCG5	<u>Statement of common ground between Augean and Northamptonshire County Council</u>	09/2012	MJCA
SOCG6	<u>Statement of Common Ground between Augean and the Nuclear Decommissioning Authority</u>	02/11/2012	MJCA
SOCG7	<u>Second Statement of Common Ground between Augean and East Northamptonshire Council</u>	08/11/2012	MJCA
	SUBMISSIONS FROM INTERESTED PARTIES AND OTHER PARTIES (in alphabetical order starting with first name)		
APN/1/RR	<u>Abigail Piddington relevant representation</u>	25/04/2012	
ABNC/1/RR	<u>ABNC Limited relevant representation</u>	25/04/2012	
AUAM/1/RR	<u>Advance Uranium Asset Management Limited relevant representation</u>	25/04/2012	
AYS/1/RR	<u>Alison Yates relevant representation</u>	25/04/2012	
ABR/1/RR	<u>Amy Barker relevant representation</u>	25/04/2012	
APT/1/RR	<u>Andrea Philpott relevant representation</u>	26/04/2012	
AWE/1/RR	<u>Andrew Waterhouse relevant representation</u>	27/04/2012	
ADM/1/RR	<u>Anita Durham relevant representation</u>	27/04/2012	
AMR/1/RR	<u>Anne Mather relevant representation</u>	27/04/2012	
AMK/1/RR	<u>Ant Maddock relevant representation</u>	29/04/2012	
AHD/1/RR	<u>Anthony Howard relevant representation</u>	03/05/2012	
ADL/1/RR	<u>Apethorpe Parish Meeting relevant representation</u>	03/05/2012	
APM/1/RR	<u>APEX Demolition Ltd relevant representation</u>	04/05/2012	
ATW/1/RR	<u>Atomic Weapons Establishment Plc relevant representation</u>	04/05/2012	
ADR/1/RR	<u>Austin Dyer relevant representation</u>	04/05/2012	
BPC/1/RR	<u>Barrowden Parish Council relevant representation</u>	07/05/2012	
BTT/1/RR	<u>Barry Tempest relevant representation</u>	07/05/2012	
BDS/1/RR	<u>Ben Davies relevant representation</u>	08/05/2012	
CCC/1/RR	<u>Cambridgeshire County Council relevant representation</u>	08/05/2012	
CND/1/RR	<u>Campaign for Nuclear Disarmament relevant representation</u>	08/05/2012	
CND/2	<u>Campaign for Nuclear Disarmament - written submission of the representation made at the</u>	06/12/2012	

	<u>open floor hearing on 06 December 2012</u>		
CND/3	<u>Campaign for Nuclear Disarmament – comments on written summaries of cases put at the 6 December 2012 open floor hearing</u>	03/01/2013	
CSH/1/RR	<u>Carl Smith relevant representation</u>	08/05/2012	
CEP/1/RR	<u>Carol Earp relevant representation</u>	08/05/2012	
CSY/1/RR	<u>Caroline Spensley relevant representation</u>	08/05/2012	
CHL/1/RR	<u>Carolyn Hill relevant representation</u>	08/05/2012	
COG/1/RR	<u>Chandlers Oil & Gas Ltd relevant representation</u>	08/05/2012	
CPD/1/RR	<u>Charlotte Pollard relevant representation</u>	08/05/2012	
CFN/1/RR	<u>Chris Franklin relevant representation</u>	08/05/2012	
CLS/1/RR	<u>Chris Leuchars relevant representation</u>	08/05/2012	
CLS/2/WR	<u>Chris Leuchars written representation</u>	10/09/2012	
CLS/3	<u>Chris Leuchars response to ExA second round of written questions</u>	07/11/2012	
CLS/4	<u>Chris Leuchars summary of the oral representation made at the open floor hearing on 6 December 2012</u>	06/12/2012	
CLS/5	<u>Chris Leuchars evidence submitted at the DCO hearing on 7 December 2012</u>	7/12/2012	
CMT/1/RR	<u>Chris McTaggart relevant representation</u>	08/05/2012	
CRM/1/RR	<u>Chris Rackham relevant representation</u>	08/05/2012	
CKI/1/RR	<u>Christopher J Kubicki relevant representation</u>	09/05/2012	
CJN/1/RR	<u>Christopher Jackson relevant representation</u>	09/05/2012	
CKK/1/RR	<u>Christopher Kirk relevant representation</u>	09/05/2012	
CSS/1/RR	<u>Christopher Summers relevant representation</u>	10/05/2012	
CYK/1/RR	<u>Christopher York relevant representation</u>	11/05/2012	
CNBY/1/RR	<u>Clifford Neil Blackabey relevant representation</u>	11/05/2012	
CHS/1/RR	<u>Cllr Heather Smith relevant representation</u>	12/05/2012	
CPC/1/RR	<u>Collyweston Parish Council relevant representation</u>	14/05/2012	
CUCC/1	<u>Cumbria County Council submission on associated development and the proximity principle</u>	05/07/2012	
CUCC/2	<u>Cumbria County Council submission on the thresholds in s.30 of the Planning Act, radioactive waste disposal and community engagement</u>	28/08/2012	
CUCC/3	<u>Cumbria County Council submission on whether the proposal complies with what the Landfill Directive 2004 says about co-disposal</u>	10/12/2012	
CUCC/4	<u>Cumbria County Council response to the SoCG between Augean and the Nuclear Decommissioning Authority</u>	11/01/2013	
DPSS/1/RR	<u>D Furnell Plant Services Ltd relevant representation</u>	14/05/2012	
DRC/1/RR	<u>D.R Caswell Ltd relevant representation</u>	15/05/2012	
DCX/1/RR	<u>Daniel Cox relevant representation</u>	15/05/2012	
DCX/2	<u>Daniel Cox comments on the SoCG between Augean and the Environment Agency</u>	03/10/2012	
DCX/3	<u>Daniel Cox comments on Augean's comments on the relevant representations</u>	03/10/2012	
DCX/4	<u>Daniel Cox comments on Augean's response to the ExA's first written questions</u>	03/10/2012	
DCX/5	<u>Daniel Cox written summary of the oral case made at the first issue specific hearing</u>	25/10/2012	
DCX/6	<u>Daniel Cox – pictures of strewn wreckage sent to Augean in response to pre-submission consultation</u>	08/01/2013	
DCX/7	<u>Daniel Cox – pictures of duct sent to Augean in response to pre-submission consultation</u>	08/01/2013	
DCX/8	<u>Daniel Cox – pictures of roll of plastic net sent to Augean in response to pre-submission consultation</u>	08/01/2013	

DCX/9	<u>Daniel Cox – picture of wreckage near a tree sent to Augean in response to pre-submission consultation</u>	08/01/2013	
DCX/10	<u>Daniel Cox – picture of plastic tubs sent to Augean in response to pre-submission consultation</u>	08/01/2013	
DCX/11	<u>Daniel Cox – email to Gene Wilson</u>	08/01/2013	
DSN/1/RR	<u>Dave Simpson relevant representation</u>	15/05/2012	
DCC/1/RR	<u>Daventry District Council relevant representation</u>	15/05/2012	
DKB/1/RR	<u>David and Kareen Bagshaw relevant representation</u>	16/05/2012	
DKB/2	<u>David and Kareen Bagshaw – request to no longer be an interested party</u>	07/08/2012	
DBS/1/RR	<u>David Burgess relevant representation</u>	16/05/2012	
DBS/2	<u>David Burgess – written summary of the oral representation made at the 6 December 2012 open floor hearing</u>	06/12/2012	
DCY/1/RR	<u>David Carey relevant representation</u>	17/05/2012	
DJM/1/RR	<u>David John McAughtrie relevant representation</u>	17/05/2012	
DTE/1/RR	<u>David Trusdale relevant representation</u>	17/05/2012	
DUH/1/RR	<u>David Unsworth relevant representation</u>	18/05/2012	
DBR/1/RR	<u>Debbie Balmer relevant representation</u>	18/05/2012	
DLN/1/RR	<u>Douglas Langdon relevant representation</u>	20/05/2012	
DGM/1/RR	<u>Dr Geoffrey Mason relevant representation</u>	20/05/2012	
DGM/1/WR	<u>Dr Geoffrey Mason written representation</u>	10/09/2012	
DGM/2/WR (A1)	<u>Dr Geoffrey Mason written representation appendix a part 1</u>	10/09/2012	
DGM/2/WR (A2)	<u>Dr Geoffrey Mason written representation appendix a part 2</u>	10/09/2012	
DGM/2/WR (A3)	<u>Dr Geoffrey Mason written representation appendix a part 3</u>	10/09/2012	
DGM/2/WR (B)	<u>Dr Geoffrey Mason written representation appendix b</u>	10/09/2012	
DGM/2/WR (C)	<u>Dr Geoffrey Mason written representation appendix c</u>	10/09/2012	
DGM/2/WR (D)	<u>Dr Geoffrey Mason written representation appendix d</u>	10/09/2012	
DGM/2/WR (E)	<u>Dr Geoffrey Mason written representation appendix e</u>	10/09/2012	
DGM/2/WR (F)	<u>Dr Geoffrey Mason written representation appendix f</u>	10/09/2012	
DGM/2/WR (G)	<u>Dr Geoffrey Mason written representation appendix g</u>	10/09/2012	
DGM/2/WR (H)	<u>Dr Geoffrey Mason written representation appendix h</u>	10/09/2012	
DGM/2/WR (I)	<u>Dr Geoffrey Mason written representation appendix i</u>	10/09/2012	
DGM/3	<u>Dr Geoffrey Mason submission in response to the first issue specific hearing – email exchange with the Environment Agency on the Groundwater Protection Policy and Practice (GP3) Edition 1</u>	15/10/2012	
DMPN/1/RR	<u>Dr Mark Pennington relevant representation</u>	20/05/2012	
DFP/1/RR	<u>Duddington-with-Fineshade Parish Council relevant representation</u>	20/05/2012	
EHN/1/RR	<u>E. Hodgson relevant representation</u>	21/05/2012	
ENC/1/RR	<u>East Northamptonshire Council relevant representation</u>	21/05/2012	
ENC/2/LIR	<u>East Northamptonshire Council local impact report</u>	06/09/2012	
EHPC/1/RR	<u>Easton On The Hill Parish Council relevant representation</u>	21/05/2012	
EDS/1/RR	<u>ElectroComm Digital Services Limited relevant</u>	21/05/2012	

	<u>representation</u>		
ECY/1/RR	<u>Elizabeth Chudley relevant representation</u>	21/05/2012	
EHY/1/RR	<u>Elizabeth Hardy relevant representation</u>	21/05/2012	
EA/1/RR	<u>Environment Agency relevant representation</u>	21/05/2012	
EA/2	<u>Environment Agency response to ExA first round of written questions</u>	13/09/2012	
EA/3	<u>Environment Agency response to ExA second round of written questions</u>	19/11/2012	
EA/4	<u>Environment Agency's response to the ExA's 21 December 2012 rule 17 request for further information</u>	14/01/2013	
FTE/1/RR	<u>Felicity Thistlethwaite relevant representation</u>	21/05/2012	
FRC/1/RR	<u>Fiona Radic relevant representation</u>	21/05/2012	
FOE/1/RR	<u>FoE Northants relevant representation</u>	21/05/2012	
FHA/1/RR	<u>Frank Hartsema relevant representation</u>	21/05/2012	
GRS/1/RR	<u>Gary Richards relevant representation</u>	21/05/2012	
GHL/1/RR	<u>George Hall relevant representation</u>	21/05/2012	
HPC/1/RR	<u>Harringworth Parish Council relevant representation</u>	21/05/2012	
HSE/1	<u>Health and Safety Executive submission</u>	26/09/2012	
HPA/1/RR	<u>Health Protection Agency relevant representation</u>	21/05/2012	
HPA/2/WR	<u>Health Protection Agency written representation part 1</u>	24/07/2012	
HPA/3/WR	<u>Health Protection Agency written representation part 2 (with SoCG between Augean and the HPA)</u>	07/09/2012	
HPA/4/WR	<u>Health Protection Agency written representation Part 3 (with SoCG between Augean and the HPA)</u>	07/09/2012	
HW/1/RR	<u>Helen Wilson relevant representation</u>	21/05/2012	
HLY/1/RR	<u>Henry Lafferty relevant representation</u>	21/05/2012	
HA/1/RR	<u>Highways Agency relevant representation</u>	21/05/2012	
HA/2	<u>Highways Agency request to no longer be an interested party</u>	06/08/2012	
IDP/1	<u>Independent Pipelines submission</u>	05/07/2012	
IPN/1	<u>Independent Power Networks submission</u>	05/07/2012	
ILD/1/RR	<u>Inutec Limited relevant representation</u>	21/05/2012	
JGS/1/RR	<u>J George Smid relevant representation</u>	21/05/2012	
JRN/1/RR	<u>Jackie Ryan relevant representation</u>	21/05/2012	
JCR/1/RR	<u>James Cooper relevant representation</u>	22/05/2012	
JWN/1/RR	<u>James Wathen relevant representation</u>	22/05/2012	
JAMP/1/RR	<u>Jamie Price relevant representation</u>	23/05/2012	
JANP/1/RR	<u>Janice Price relevant representation</u>	23/05/2012	
JMT/1/RR	<u>Jason Mockett relevant representation</u>	23/05/2012	
JAT/1/RR	<u>Jennie Argent relevant representation</u>	23/05/2012	
JHN/1/RR	<u>Jennifer Hughes-Nurse relevant representation</u>	23/05/2012	
JLH/1/RR	<u>John Leigh relevant representation</u>	23/05/2012	
JED/1/RR	<u>Jonathan Eastland relevant representation</u>	23/05/2012	
JPL/1/RR	<u>Josephine Powell relevant representation</u>	23/05/2012	
KBT/1/RR	<u>Karen Bryant relevant representation</u>	23/05/2012	
KBS/1/RR	<u>Kelly Birtles relevant representation</u>	23/05/2012	
KJN/1/RR	<u>Ken Johnson relevant representation</u>	23/05/2012	
KJS/1/RR	<u>Kevin Jacques relevant representation</u>	23/05/2012	
KCP/1/RR	<u>Kings Cliffe Parish Council relevant representation</u>	23/05/2012	
LWR/1/RR	<u>Lauren Waller relevant representation</u>	23/05/2012	
LSS/1/RR	<u>Leading Solvent Supplies relevant representation</u>	23/05/2012	
LWE/1/RR	<u>Liam Woodhouse relevant representation</u>	23/05/2012	
LSE/1/RR	<u>Linda Sylvester relevant representation</u>	23/05/2012	

LBW/1/RR	<u>Louise Bowen-West relevant representation</u>	23/05/2012	
LBW/2/WR	<u>Louise Bowen-West written representation</u>	09/2012	
MNX/1/RR	<u>Magnox Limited relevant representation</u>	23/05/2012	
MGN/1/RR	<u>Mandy Glen relevant representation</u>	31/05/2012	
MSR/1/RR	<u>Marie Slater relevant representation</u>	23/05/2012	
MPAL/1/RR	<u>Martin Paul Atwill relevant representation</u>	24/05/2012	
MSH/1/RR	<u>Martin Snaith relevant representation</u>	24/05/2012	
MRS/1/RR	<u>Mathew Rowlands relevant representation</u>	24/05/2012	
MDT/1/RR	<u>Matthew Dewhirst relevant representation</u>	24/05/2012	
MKK/1/RR	<u>Matthew Kirk relevant representation</u>	25/05/2012	
MRW/1/RR	<u>Matthew Rumbelow relevant representation</u>	25/05/2012	
MSM/1/RR	<u>Matthew Smith relevant representation</u>	25/05/2012	
MAM/1/RR	<u>Maureen Marshall relevant representation</u>	25/05/2012	
MMC/1/RR	<u>Melanie McCall relevant representation</u>	25/05/2012	
MMA/1/RR	<u>Mia McAughtrie relevant representation</u>	25/05/2012	
MMA/2	<u>Mia McAughtrie written summary of the representation made at the open floor hearing on 6 December 2012</u>	06/12/2012	
MDY/1/RR	<u>Michael Day relevant representation</u>	25/05/2012	
MIM/1/RR	<u>Michael Marshall relevant representation</u>	25/05/2012	
MLK/1/RR	<u>Michael R Lucas-Knight relevant representation</u>	25/05/2012	
MWR/1/RR	<u>Michael Wallace-Reid relevant representation</u>	25/05/2012	
MGS/1/RR	<u>Michelle Ginns relevant representation</u>	25/05/2012	
MHG/1/RR	<u>Mike Herring relevant representation</u>	25/05/2012	
MHN/1/RR	<u>Moira Houghton relevant representation</u>	25/05/2012	
KNE/1/RR	<u>Mr Keith Neville relevant representation</u>	25/05/2012	
SWR/1/RR	<u>Mr S Warner relevant representation</u>	26/05/2012	
SRM/1/RR	<u>Mr Simon Roger Moyle relevant representation</u>	27/05/2012	
AET/1/RR	<u>Mrs Amanda Elliott relevant representation</u>	28/05/2012	
CLN/1/RR	<u>Mrs Clare Langan relevant representation</u>	28/05/2012	
JCS/1/RR	<u>Mrs J Chalmers relevant representation</u>	28/05/2012	
JBD/1/RR	<u>Mrs Jackie Beanland relevant representation</u>	28/05/2012	
JHG/1/RR	<u>Mrs Jane Herring relevant representation</u>	28/05/2012	
LWR/1/RR	<u>Mrs L Warner relevant representation</u>	28/05/2012	
MST/1/RR	<u>Mrs Margaret Scott relevant representation</u>	28/05/2012	
MST/2	<u>Mrs Margaret Scott – email referred to at the first issue specific hearing about the proposed ENRMF</u>	18/10/2012	
NPC/1/RR	<u>Nassington Parish Council relevant representation</u>	28/05/2012	
NCN/1/RR	<u>Natalie Casson relevant representation</u>	28/05/2012	
NATS/1	<u>National Air Traffic Service submission</u>	09/08/2012	
NE/1/RR	<u>Natural England relevant representation</u>	28/05/2012	
NCL/1/RR	<u>Neil Canwell relevant representation</u>	28/05/2012	
NJS/1/RR	<u>Nicholas John Summers relevant representation</u>	29/05/2012	
NHN/1/RR	<u>Nick Haddon relevant representation</u>	29/05/2012	
NBN/1/RR	<u>Nigel Bowen relevant representation</u>	29/05/2012	
NCC/1/RR	<u>Northamptonshire County Council relevant representation</u>	29/05/2012	
NCC/2/WR	<u>Northamptonshire County Council written representation</u>	02/08/2012	
NCC/3/LIR	<u>Northamptonshire County Council local impact report</u>	02/08/2012	
NCC/4	<u>Northamptonshire County Council response to ExA second round of written questions</u>	19/11/2012	
NCCH/1/RR	<u>Northamptonshire County Council (Transport Highways and Infrastructure) relevant representation</u>	29/05/2012	

NCCH/2/WR	<u>Northamptonshire County Council (Transport Highways and Infrastructure) written representations and response to ExAs first round of written questions</u>	20/08/2012	
NCCH/3	<u>Northamptonshire County Council (Transport Highways and Infrastructure) submission on accidents occurring on the A43 between Weldon and the A43 A47 Duddington Roundabout</u>	23/10/2012	
NCCH/4	<u>Northamptonshire County Council (Transport Highways and Infrastructure) update submission on accidents occurring on the A43 between Weldon and the A43 A47 Duddington roundabout</u>	12/12/2012	
OGU/1/RR	<u>Oil & Gas UK relevant representation</u>	29/05/2012	
OBT/1/RR	<u>Oliver Bancroft relevant representation</u>	29/05/2012	
OCC/1/WR	<u>Oxfordshire County Council written representation</u>	07/09/2012	
PEPS/1/RR	<u>PacTec EPS Ltd relevant representation</u>	29/05/2012	
PBY/1/RR	<u>Paul Barnsley relevant representation</u>	29/05/2012	
PLN/1/RR	<u>Paul Lealman relevant representation</u>	29/05/2012	
PMY/1/RR	<u>Paul Murray relevant representation</u>	29/05/2012	
PRE/1/RR	<u>Paul Roddie relevant representation</u>	29/05/2012	
PRS/1/RR	<u>Paul Rose relevant representation</u>	29/05/2012	
POD/1/RR	<u>Pete Oldfield relevant representation</u>	29/05/2012	
PCL/1/RR	<u>Peter Chivall relevant representation</u>	29/05/2012	
PFN/1/RR	<u>Peter Flynn relevant representation</u>	29/05/2012	
PLB/1/RR	<u>Peter Lloyd Bennett relevant representation</u>	29/05/2012	
PCC/1/RR	<u>Peterborough City Council relevant representation</u>	30/05/2012	
PCC/2/LIR	<u>Peterborough City Council and Cambridgeshire County Council – joint local impact report</u>	10/09/2012	
PLE/1/RR	<u>Phillip Lawrence relevant representation</u>	30/05/2012	
PDR/1/RR	<u>Professor David Read relevant representation</u>	30/05/2012	
QUA/1	<u>Quadrant Pipelines submission</u>	05/07/2012	
RWL/1/RR	<u>Rachel Woodall relevant representation</u>	30/05/2012	
RBW/1/RR	<u>Rebecca Bristow relevant representation</u>	30/05/2012	
RSR/1/RR	<u>Research Sites Restoration Ltd relevant representation</u>	30/05/2012	
RSR/2/WR	<u>Research Sites Restoration Limited written representation</u>		
PCJ/1/RR	<u>Revd Dr and Mrs Peter C. Jupp relevant representation</u>	30/05/2012	
RAN/1/RR	<u>Richard Allen relevant representation</u>	30/05/2012	
RGE/1/RR	<u>Richard Gane relevant representation</u>	30/05/2012	
RLE/1/RR	<u>Richard Lattimore relevant representation</u>	30/05/2012	
RPST/1/RR	<u>Richard Parke-Stewart relevant representation</u>	30/05/2012	
RPE/1/RR	<u>Richard Price relevant representation</u>	30/05/2012	
RWD/1/RR	<u>Richard Ward relevant representation</u>	30/05/2012	
RMS/1/RR	<u>Robert Meadows relevant representation</u>	30/05/2012	
RST/1/RR	<u>Robert Stewart relevant representation</u>	30/05/2012	
RGD/1/RR	<u>Robin Gifford relevant representation</u>	30/05/2012	
RGD/2	<u>Robin and Diane Gifford's written summary of the oral representation made at the open floor hearing on 6 December 2012</u>	06/12/2012	
RPH/1/RR	<u>Rose Plant Hire (Whittlesey) Limited relevant representation</u>	30/05/2012	
RJD/1/RR	<u>Rupert James Dresner relevant representation</u>	30/05/2012	
RTH/1/RR	<u>Ruth Terri Hambley relevant representation</u>	30/05/2012	
RCC/1/RR	<u>Rutland County Council relevant representation</u>	31/05/2012	
SLY/1/RR	<u>Samantha Lockey relevant representation</u>	31/05/2012	

SPS/1/RR	<u>Sandie Parsons relevant representation</u>	31/05/2012	
SST/1/RR	<u>Sandy Scott relevant representation</u>	31/05/2012	
SDR/1/RR	<u>Sarah Dresner relevant representation</u>	31/05/2012	
SCSL/1/RR	<u>Scotoil Services Limited relevant representation</u>	31/05/2012	
SCSL/2	<u>Scotoil Services Limited Response to ExA's 23 August 2012 rule 17 request for further information</u>	05/07/2012	
SWSL/1/RR	<u>Selwoods Ltd relevant representation</u>	31/05/2012	
SWD/1/RR	<u>Shaun Wedgwood relevant representation</u>	31/05/2012	
SWS/1/RR	<u>Sheila Weiss relevant representation</u>	31/05/2012	
SSL/1/RR	<u>Silo Services Ltd relevant representation</u>	31/05/2012	
SHS/1/RR	<u>Simon Hughes relevant representation</u>	31/05/2012	
STS/1/RR	<u>Simon Treetops relevant representation</u>	31/05/2012	
SHY/1/RR	<u>Steve Hegerty relevant representation</u>	31/05/2012	
SLN/1/RR	<u>Steve Langan relevant representation</u>	31/05/2012	
SCS/1/RR	<u>Steven Craggs relevant representation</u>	31/05/2012	
SUL/1/RR	<u>Studsvik UK Ltd relevant representation</u>	31/05/2012	
TWE/1/RR	<u>Taylor Woolhouse relevant representation</u>	31/05/2012	
TBD/1/RR	<u>Terry Blanchard relevant representation</u>	01/6/2012	
ACB/1/RR	<u>The Active Collection Bureau Ltd relevant representation</u>	01/6/2012	
TLH/1/RR	<u>Thomas Lynch relevant representation</u>	01/6/2012	
TLM/1/RR	<u>Tim Latham relevant representation</u>	01/6/2012	
TYG/1/RR	<u>Tim Young relevant representation</u>	01/6/2012	
TPM/1/RR	<u>Tixover Parish Meeting relevant representation</u>	01/6/2012	
TWR/1/RR	<u>Tracy Walker relevant representation</u>	01/6/2012	
TES/1/RR	<u>Tradebe Environmental Service UK Ltd relevant representation</u>	01/6/2012	
TKC/1/RR	<u>Transition King's Cliffe relevant representation</u>	01/6/2012	
UKA/1/RR	<u>United Kingdom Atomic Energy Authority relevant representation</u>	01/6/2012	
VHL/1/RR	<u>Valerie Hall relevant representation</u>	01/6/2012	
VWN/1/RR	<u>Veronica Wharton relevant representation</u>	01/6/2012	
VES/1/RR	<u>Vicky Ellis relevant representation</u>	01/6/2012	
VLN/1/RR	<u>Victoria Lennon relevant representation</u>	01/6/2012	
VWS/1/RR	<u>VWS Westgarth Ltd relevant representation</u>	01/6/2012	
WPC/1/RR	<u>Wakerley parish council relevant representation</u>	01/6/2012	
WPD/1/RR	<u>Western Power Distribution (East Midlands) Plc relevant representation</u>	30/05/2012	
WPD/2	<u>Western Power Distribution – request to no longer be an interested party</u>	19/06/2012	
WNPC/1/RR	<u>Woodnewton Parish Council relevant representation</u>	31/05/2012	
	ADEQUACY OF CONSULTATION (in alphabetical order by name of the authority)		
AOC-AVDC	<u>Aylesbury Vale District Councils adequacy of consultation response</u>	21/03/2012	
AOC-BCC	<u>Buckinghamshire County Councils adequacy of consultation response</u>	27/03/2012	
AOC-CCC	<u>Cambridgeshire County Councils adequacy of consultation response</u>	21/03/2012	
AOC-CBC	<u>Corby Borough Council adequacy of consultation response</u>	23/03/2012	
AOC-ENC	<u>East Northamptonshire Council adequacy of consultation response</u>	29/03/2012	
AOC-HDC	<u>Harborough District Council adequacy of</u>	28/03/2012	

	<u>consultation response</u>		
AOC-HDC	<u>Huntingdonshire District Council adequacy of consultation response</u>	29/03/2012	
AOC-KBC	<u>Kettering Borough Councils adequacy of consultation response</u>	28/03/2012	
AOC-LCC	<u>Leicestershire County Council adequacy of consultation response</u>	28/03/2012	
AOC-NCC	<u>Northamptonshire County Council adequacy of consultation response</u>	23/03/2012	
AOC-OCC	<u>Oxfordshire County Councils adequacy of consultation response</u>	21/03/2012	
AOC-PCC	<u>Peterborough City Councils adequacy of consultation response</u>	27/03/2012	
AOC-RBC	<u>Rugby Borough Council adequacy of consultation response</u>	28/03/2012	
AOC-RCC	<u>Rutland County Councils adequacy of consultation response</u>	29/03/2012	
AOC-SKDC	<u>South Kesteven District Councils adequacy of consultation response</u>	21/03/2012	
AOC-SNC	<u>South Northamptonshire Council adequacy of consultation response</u>	27/03/2012	
AOC-WCC	<u>Warwickshire County Councils adequacy of consultation response</u>	20/03/2012	
AOC-BCW	<u>Borough Council of Wellingborough adequacy of consultation response</u>	29/03/2012	

APPENDIX D: GLOSSARY

The 2010 Regulations	Environmental Permitting (England and Wales) Regulations 2010
AA	Appropriate assessment
BAT	Best available techniques
BPEO	Best practicable environmental option
Bq/g	Becquerel per Gram (Bq/g) is a measure of the concentration of radioactivity in a given mass of material.
CCC	Cambridgeshire County Council
CCTV	Closed circuit television
CMD	Control and Management of Development
CTSA	Counter Terrorism Security Adviser
CuCC	Cumbria County Council
dB	Decibels
DCLG/CLG	Department for Communities and Local Government
DCO	Development Consent Order
DEFRA/ Defra	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
DPD	Development Plan Documents
EA	Environment Agency
EAL	Environmental Assessment Levels
EH	English Heritage
EIA	Environmental impact assessment
EM	Explanatory memorandum
EMRP	East Midlands Regional Plan; also known as the East Midlands Regional Spatial Strategy
ENC	East Northamptonshire Council
ENRMF	East Northamptonshire Resource Management Facility
EPR	The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)
ES	Environmental statement
ExA	Examining Authority
GP3	Groundwater protection: Principles and practice (GP3), November 2012, Version 1, by the Environment Agency.
HA	Highways Agency
The Hazardous Waste Strategy	Strategy for Hazardous Waste Management in England, 2010
HGRA	Hydrogeological risk assessment
HDPE	High density polyethylene
HGV	Heavy goods vehicles
HPA	Health Protection Agency
HRA	Habitats regulations assessment
HSE	Health and Safety Executive
IP	Interested party
IPC	Infrastructure Planning Commission

KCLG	Kings Cliffe Liaison Group
LIR	Local impact report
LLW	Low level radioactive waste
LLWR	Low Level Waste Repository at Drigg in Cumbria
LMD	Location of Minerals Development
LWD	Locations for Waste Development
m ²	Square metres
m ³	Cubic metres
Mg	Micrograms
MS	Member states
mSv	Milli Sieverts – one thousandth of a Sievert, The Sievert (symbol: Sv) is the International System of Units (SI) derived unit of equivalent radiation dose, effective dose, and committed dose
MWDF	The Northamptonshire Minerals and Waste Development Framework
NCC	Northamptonshire County Council
NDA	Nuclear Decommissioning Authority
The NDA Strategy	UK Strategy for the Management of Solid Low Level Radioactive Waste from the Nuclear Industry, 2010
NE	Natural England
NNCSS	North Northamptonshire Core Spatial Strategy
NNLDF	North Northamptonshire Local Development Framework
NNR	National Nature Reserve
NORM	Naturally occurring radioactive materials
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008 as amended
PCC	Peterborough City Council
PM10	particulates of less than 10 micron in diameter
PPG	Planning Policy Guidance [Note]
PPS	Planning Policy Statement
PPS10	Planning Policy Statement 10: Planning for Sustainable Waste Management
RSS	Regional Spatial Strategy
The Radioactive Waste Strategy	Policy for the Long Term Management of Solid Low Level Radioactive Waste in the UK, 2007
RADSAFE	A company that assists in the event of a transport accident involving radioactive materials
RNOTP	Rural North, Oundle and Thrapston Plan
RSRL	Research Sites Restoration Limited
SNIFFER	Scotland and Northern Ireland Forum for Environmental Research
SOCC	Statement of community consultation
SOCG	Statement of common ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TCPA 1990	Town & Country Planning Act 1990

tpa	tonnes per annum
UN Number	United Nations (UN) Numbers are four-digit numbers used worldwide in international commerce and transportation to identify hazardous chemicals or classes of hazardous materials.
VLLW	Very low level radioactive waste
VOC	Volatile organic compound
WFD	Waste Framework Directive 2008/98/EC

APPENDIX E: THE PROPOSED DEVELOPMENT CONSENT ORDER

See separate attachment

**APPENDIX F: SECTION 106 AGREEMENT, SIGNED 14
JANUARY 2013.**

See separate attachment

2013 No. []]

INFRASTRUCTURE PLANNING

**The East Northamptonshire Resource Management Facility
(ENRMF) Order [2013]**

Made - - - - - []

Coming into force - - [21 days from the date the order is made]

The Secretary of State, in exercise of the powers conferred by sections 103, 114, 115 and 120 of the Planning Act 2008(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the East Northamptonshire Resource Management Facility (ENRMF) Order 2013 and shall come into force on the date referred to above.

Signed by authority of the Secretary of State for Communities and Local Government

Address
Date

Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE 1

General provisions

CONTENTS

1. Interpretation
2. Development consent etc. granted by the Order
3. Maintenance of authorised project
4. Procedure in relation to approvals etc under requirements
5. Defence to proceedings in respect of statutory nuisance
6. Certification of plans etc
7. Arbitration

(a) 2008 c.29.

Schedule A
AUTHORISED PROJECT

Interpretation

1.—In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990(a);

“the 2008 Act” means the Planning Act 2008(b);

“ancillary works” means the ancillary works described in Schedule 1 (authorised project) and any other works authorised by the Order and which are not development within the meaning of section 32 of the 2008 Act;

“authorised development” means the development and associated development described in Schedule 1 (authorised project) and any other development authorised by this Order, which is development within the meaning of section 32 of the 2008 Act;

“the authorised project” means the authorised development and the ancillary works authorised by this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

“the decision-maker” has the same meaning as in section 103 of the 2008 Act;

“hazardous waste” means waste defined as such in regulations 5 and 6 of the Hazardous Waste (England and Wales) Regulations 2005 and as may be amended from time to time in these or equivalent regulations;

“the land plan” means the plan certified as the land plan by the decision-maker for the purposes of this Order;

“low level waste” means radioactive waste comprising solid radioactive waste up to a maximum specific activity of 200Bq/g;

“maintain” includes maintain, inspect, repair, remove, clear, refurbish, reconstruct, decommission, demolish, replace and improve and “maintenance” shall be construed accordingly;

“the Order limits” means the limits shown on the works plan within which the authorised project may be carried out;

“relevant planning authority” means the county planning authority;

“undertaker” means in relation to any provision of this Order, Augean South Limited or such other person as has the benefit of this Order under Section 156(1) of the 2008 Act;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plan” means the plan certified as the works plan by the decision-maker for the purposes of this Order.

(1) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.

(2) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised project shall be taken to be measured along that work.

(a) 1990 c.8. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the Planning Act 2008 (c29) (date in force to be appointed see section 241(3), (4)(a), (c) of the 2008 Act). There are other amendments to the 1990 Act which are not relevant to this Order.

(b) 2008 c.29.

Development consent etc. granted by the Order

2. Subject to the provisions of this Order and to the requirements in Schedule 2 (requirements) attached to this Order the undertaker is granted—

- (a) development consent for the authorised development; and
- (b) consent for the ancillary works,

to be carried out within the Order limits.

Maintenance of authorised project

3. The undertaker may at any time maintain the authorised project, except to the extent that this Order or an agreement made under this Order, provides otherwise.

Procedure in relation to approvals etc under requirements

4. (1) Where an application is made to the relevant planning authority for any consent, agreement or approval required by a requirement, the following provisions apply, so far as they relate to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission, as if the requirement was a condition imposed on the grant of planning permission –

- (a) Sections 78 and 79 of the 1990 Act (right of appeal in relation to planning decisions);
- (b) Any orders, rules or regulations which make provision in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on the grant of planning permission.

(2) For the purposes of paragraph (1), a provision relates to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission in so far as it makes provision in relation to an application for such a consent, agreement or approval, or the grant or refusal of such an application, or a failure to give notice of a decision on such an application.

Defence to proceedings in respect of statutory nuisance

5.—Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(a) (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraphs (a), (c), (d), (e), (g) or (ga) of section 79(1) of that Act no order shall be made, and no fine may be imposed, under section 82(2) of that Act if—

- (a) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project and that the nuisance is attributable to the carrying out of the authorised project in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) or 65 (noise exceeding registered level), of the Control of Pollution Act 1974(b); or
 - (ii) is a consequence of the construction or maintenance of the authorised project and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project which is being used in accordance with a scheme of monitoring

(a) 1990 c.43. There are amendments to this Act which are not relevant to this Order.

(b) 1974 c.40. Sections 61(9) and 65(8) were amended by section 162 of, and paragraph 15 of Schedule 3 to, the Environmental Protection Act 1990, c.25. There are other amendments to the 1974 Act which are not relevant to this Order.

and attenuation agreed with the relevant planning authority as described in requirement 4; or

- (ii) is a consequence of the use of the authorised project and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), shall not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project.

Certification of plans etc

6.(1) The undertaker shall, as soon as practicable after the making of this Order, submit to the decision-maker copies of the following plans and documents

- (a) the land plan (WS010001/ENRMF/PLANS/LAND);
- (b) the works plan (WS010001/ENRMF/PLANS/WORKS);
- (c) Elevations of main infrastructure including buildings (WS010001/ENRMF/PLANS/ELEVATION3);
- (d) The site access from Stamford Road (WS010001/ENRMF/PLANS/ELEVATION4);
- (e) Proposed post-settlement restoration contours (WS010001/ENRMF/PLANS/ELEVATION1);
- (f) Elevations of the infrastructure associated with the soil treatment plant (WS010001/ENRMF/PLANS/ELEVATION5);
- (g) Elevations of the stockpiles and bunds (WS010001/ENRMF/PLANS/ELEVATION2);
- (h) Figure ES6 of the environmental document;
- (i) The Biodiversity Action Plan for East Northants RMF at Appendix ESF to the environmental document;
- (j) The restoration scheme (WS010001/ENRMF/PLANS/SITE1);
- (k) The Transport Assessment (WS010001/ENRMF/ESAPPESJ) included in the environmental document;
- (l) Figures ES10A to ES10J of the environmental document;
- (m) The environmental document; and
- (n) any other plans or documents referred to in this Order,

for certification that they are true copies of the documents referred to in this Order.

(2) A plan or document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Arbitration

7. Any difference under any provision of this Order, unless otherwise provided for, shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the decision maker.

Schedule 1

AUTHORISED PROJECT

AUTHORISED DEVELOPMENT AND ANCILLARY WORKS

A nationally significant infrastructure project as defined in Section 14(1)(p) and 30 of the 2008 Act comprising:

Works No. 1 A hazardous waste landfill facility for the disposal at a direct input rate of up to 150,000 tonnes per annum of hazardous waste and low level waste on the area and phases identified on the works plan (WS010001/ENRMF/PLANS/WORKS) including a landfill gas pump and gas flare, extraction and stockpiling of clay and other suitable materials for engineering purposes and the exportation of some clay and other suitable materials, all other associated engineering works to construct the landfill phases including a leachate collection system.

Works No.2 A hazardous waste facility, namely the alteration of an existing soil treatment facility the details of which are as shown on the plan Elevations of the infrastructure associated with the soil treatment plant (WS010001/ENRMF/PLANS/ELEVATION5) with an increase from the currently consented capacity of 100,000tpa to 150,000tpa of contaminated materials comprising predominantly hazardous wastes and comprising a modular plant located on a concrete pad with associated surface water drainage and collection and adjacent stockpiles. The components of the plant include stocking areas and stocking bays with concrete A frame walls, process, reagent and water or other liquid storage tanks and silos, feed hoppers, screens, conveyors, washing units, separators, mixing vessels, sedimentation units, bioremediation area, a mobile crusher on a campaign basis, open concrete lined settlement tanks, a process control office and staff welfare facilities, bunded fuel storage tanks and an electricity generator in an insulated container.

And in connection with such works and to the extent that they do not otherwise form part of any such work, further associated development and / or ancillary works shown on the plans referred to in the requirements including:-

- (a) the continuation of the filling with hazardous waste and low level waste the existing landfill cells 4B, 5A and 5B as shown on Figure ES6 of the environmental document;
- (b) the main infrastructure and buildings including the surface water pumping station, laboratory, canteen and offices as shown on WS010001/ENRMF/PLANS/ELEVATION3;
- (c) weighbridge
- (d) cess pit;
- (e) leachate storage tanks;
- (f) fuel storage tanks;
- (g) monitoring boreholes;
- (h) security cameras;
- (i) boundary fencing;
- (j) lighting;
- (k) car parking area;
- (l) internal site roads;
- (m) hardstanding and bunding;

- (n) surface water collection ponds;
- (o) surface and foul water drainage
- (p) wheel cleaning facilities
- (q) The phased restoration of the land to woodland and grassland for ecological benefit and public access pursuant to the approved scheme under requirement 5 of this Order; and
- (r) The site will be subject to a ten year aftercare and maintenance period up to 2036. During this period a leachate storage tank, the gas flare, surface water pumping station and associated fuel storage will be retained at the site.

SCHEDULE 2

Requirements

CONTENTS

1. Interpretation
2. Time limits
3. Commencement
4. Detailed design approval
5. Provision of landscaping and restoration (including ecological enhancement)
6. Implementation and maintenance of landscaping and restoration works
7. Ecological management plan and aftercare
8. Stockpiles
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10. Quantities of waste
11. Vehicular access
12. Control of vehicular movements
13. Traffic management
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17. Gas flare structures
18. Floodlighting
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21. Information on waste
22. Cessation of development
23. Review of void consumption
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25. Requirement for written approval
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Interpretation

1. In this Schedule—

“commence” means the carrying out of a material operation (as defined in Section 56(4) of the 1990 Act) excluding any operations relating to soil investigations or works in respect of land contamination archaeological investigations site clearance diversion of services receipt and erection of construction plant and equipment the erection of temporary fencing hoardings and erection of site compound buildings and “Commence” and “Commenced” shall be construed accordingly.

“the environmental document” means the document certified as the environmental document by the decision-maker for the purposes of this Order;

“the environmental permits” means the current permits for the landfill site (EPR/TP3430GW) and the soil treatment plant (YP3138XB) as may be varied from time to time and any permit that may be granted by the environment agency for the new hazardous waste landfill;

“highway” and “highway authority” have the same meaning as in the Highways Act 1980;

“the Order limits” means the limits shown on the works plan within which the authorised project may be carried out;

“relevant planning authority” means the county planning authority;

Time limits

2. The authorised development must commence within 2 years of the date of this Order.

Commencement

3. Notice of commencement of the authorised development must be given to the relevant planning authority within 7 days beginning with the date that the authorised development is commenced.

Detailed approval

4. The authorised development must be carried out in accordance with the following sections of the environmental document and the approved plans and schemes listed in this requirement (unless in respect of minor amendments as approved in writing by the relevant planning authority):-

- (1) Sections 4, 6 and 10 of the environmental document;
- (2) Noise management and monitoring scheme (WS010001/ENRMF/ESAPPESE);
- (3) works plan (WS010001/ENRMF/PLANS/WORKS)
- (4) land plan (WS010001/ENRMF/PLANS/LAND)
- (5) Proposed post settlement restoration contours
WS010001/ENRMF/PLANS/ELEVATION1)
- (6) Elevations of the stockpiles and bunds (WS010001/ENRMF/PLANS/ELEVATION2)
- (7) Elevations of Main Infrastructure including buildings
(WS010001/ENRMF/PLANS/ELEVATION3)
- (8) The site access from Stamford Road (WS010001/ENRMF/PLANS/ELEVATION4)
- (9) Elevations of the infrastructure associated with the soil treatment plant
(WS010001/ENRMF/PLANS/ELEVATION5)
- (10) Figures ES10A to ES10J of the environmental document.

Provision of landscaping and restoration (including ecological enhancement)

5. Within 12 months of the issue of this Order the undertaker shall submit to the relevant planning authority for approval a written landscaping and restoration scheme in accordance with the principles set out on the plan Restoration Scheme (WS010001/ENRMF/PLANS/SITE1) and section 6 of the environmental document including plans ES10A to ES10J of the environmental

document. The landscaping and restoration scheme must include details of all proposed hard and soft landscaping works, ecological mitigation and enhancement measures included in the environment document including—

- (a) location, number, species, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) details of proposed finished ground level contours in accordance with the plan Proposed post settlement restoration contours (WS010001/ENRMF/PLANS/ELEVATION1) ;
- (d) hard surfacing materials;
- (e) vehicular and pedestrian access, parking and circulation areas;
- (f) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- (g) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports;
- (h) details of existing trees to be retained, with measures for their protection during the operations;
- (i) implementation timetables for the phased restoration of the land including all landscaping, restoration and aftercare works; and
- (j) the location of fuel storage and leachate tanks and any other infrastructure required for the aftercare works.

Implementation and maintenance of landscaping and restoration works

6.—All landscaping, restoration and aftercare works must be carried out in accordance with the landscaping and restoration scheme approved under requirement 5 and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(1) The landscaping works must be carried out in accordance with implementation timetables approved under requirement 5 provided that the land shall be restored by 31 December 2026 at the latest.

(2) Any tree or shrub planted as part of an approved landscaping scheme that, within a period of ten years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority.

Ecological management plan and aftercare

7.—Within 12 months of issue of the Order a written ecological management and aftercare plan based on the Biodiversity Action Plan for the ENRMF at Appendix ESF to the environmental document and reflecting the survey results and ecological mitigation and enhancement measures included in the environmental document shall be submitted for approval by the relevant planning authority.

(1) The ecological management and aftercare plan shall provide for the aftercare of the site for 10 years following completion of restoration.

(2) The ecological management and aftercare plan shall include an implementation timetable and must be carried out as approved

Stockpiles

8. The stockpiles as shown on the plan Elevations of the stockpiles and bunds (WS010001/ENRMF/PLANS/ELEVATION2) shall be managed in accordance with the details set out in Section 5 of the environment document during the operation of the authorised development.

Disposal of waste

9. No waste materials shall be disposed of at the site other than hazardous wastes and low level waste together with suitable waste materials used for restoration purposes.

Quantities of waste

10. The maximum quantities of waste that shall be imported to the soil treatment facility per annum will be 150,000 tonnes and directly to the landfill will be 150,000 tonnes. The combined total amount of waste that can be imported to the site per annum shall not exceed 250,000 tonnes. The total quantity of low level waste disposed of at the site in the period up to 31 December 2026 (or its earlier closure) shall not exceed 448,000 tonnes.

Vehicular access

11. The sole vehicular access for the authorised project hereby permitted shall be by way of the existing access to the site on to the Stamford Road and as shown on the plan The site access from Stamford Road (WS010001/ENRMF/PLANS/ELEVATION4).

Control of vehicular movements

12. Vehicular traffic associated with this authorised project shall be controlled as follows:

(1) The undertaker shall ensure that all heavy goods 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.

(2) Signs informing vehicle drivers of the requirements in (1) above shall be maintained in a visible location near to the egress on site.

(3) Facilities shall be provided for site operatives within the site to observe the direction of vehicle entry to and exit from the site.

Traffic management

13. The undertaker shall provide to the relevant planning authority before the 31st December 2017 and 2022 an update of the transport assessment submitted with the application for the development (WS010001/ENRMF/ESAPPESJ). In the event that the assessment demonstrates the potential for an unacceptable impact of the site traffic on the public highway a scheme of mitigation shall be submitted for the approval of the relevant planning authority within 3 months of a request from the relevant planning authority. The scheme shall thereafter be implemented in accordance with the approved details.

Site security

14. The site security measures including the 1.8m palisade fence around the gas compound shall be maintained throughout the life of the operations at the site and beyond in accordance with the details in section 5 of the environmental document until the relevant 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 shall be removed within a period of 3 months.

Wheel Cleaning

15. Wheel cleaning facilities shall be provided on site with appropriate drainage in accordance with the details set out in section 5 of the environmental document and thereafter maintained to the satisfaction of the relevant planning authority. The wheels of all vehicles leaving the site shall be cleansed of mud and other debris to prevent mud being carried onto the public highway. All vehicles transporting materials in connection with the authorised development shall be adequately sheeted to the satisfaction of the relevant planning authority.

Hours of operation

16. Except as may otherwise be approved in writing by the relevant planning authority in temporary limited circumstances, all waste treatment, 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 except on Public Holidays between the hours of 07.00 and 18.00, the following activities may be carried out:-

- (1) the delivery of up to 10 loads a day of air pollution control residues;
- (2) the processing in the stabilisation plant of those residues; and
- (3) the stockpiling and management of the processed residues within the soil treatment facility.

Gas flare structures

17. Except in respect of minor amendments as may otherwise be approved in writing by the relevant planning authority the height of:-

- (a) The gas compound fencing shall not exceed 1.8m above existing ground level;
- (b) Any building, plant, machinery, foundation, hardstanding, roadway, bunding, structure or erection in the nature of plant or machinery used in connection with the gas flare and pumping station shall not exceed 2m in height above existing ground level;
- (c) Any gas flare flue shall not exceed 10m in height above existing ground level.

Floodlighting

18..All floodlighting including mobile units shall be directed towards the ground to minimise light spillage from the site and except for emergencies will only be operating within the working hours specified in requirement 16 (including on Public Holidays). No additional permanent or temporary floodlighting shall be installed at the site, until after consultation with the relevant planning authority, and a written scheme for the management and mitigation of artificial light emissions has been submitted to and approved by the relevant planning authority.

Monitoring reports

19..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 environmental permit, shall be copied at the same time to the relevant planning authority and the East Northamptonshire District Council Environmental Protection Officer.

Display of Order on site

20..A copy of the terms of this Order, shall be displayed on site, and all documents hereby permitted and any documents subsequently approved in accordance with this Order (or amendments approved pursuant to this Order) 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.

Information on waste

21. The undertaker shall provide to the relevant planning authority detailed information in writing on the following:-

- (1) quantities by weight, types and deposition locations of low level waste brought on to the site for disposal; and
- (2) quantities by weight and types of the waste imported to the landfill directly for disposal and the waste imported to the soil treatment facility.

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.

Cessation of development

22. The landfilling of waste and the operation of the soil treatment plant hereby permitted shall cease not later than 31st December 2026 (two thousand and twenty six) by which time the land and the access shall be restored or reinstated in accordance with the requirements of this Order

Review of void consumption

23. The undertaker shall provide to the relevant planning authority before the 31st of December 2017, 2020 and 2023 a review of the disposal capacity and consumption of the space available for waste at the landfill facility and the anticipated completion date for infilling. In the event it is determined that the site will not be completed by 31st December 2026 the undertaker will submit an application to the relevant planning authority to vary the scheme of working to the meet the specified restoration date.

Removal of plant and machinery

24. Except to the extent required for aftercare purposes as approved pursuant to the scheme under requirement 5, 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 December 2036 (two thousand and thirty six) upon completion of the aftercare of the land.

Requirement for written approval

25. Where under any of the requirements the approval or agreement of the relevant planning authority or another person is required, that approval or agreement must be given in writing.

Amendments to approved details

26. With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved by the relevant planning authority, the approved details shall be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority.

DATED 14th January **2013**

NORTHAMPTONSHIRE COUNTY COUNCIL

- and -

AUGEAN SOUTH LIMITED

**pursuant to Section 106 of the Town and Country Planning Act 1990
relating to land at the East Northants Resource Management Facility, Stamford Road,
Northamptonshire**

IPC document reference: WS010001/ENRMF/S106/Rev1

QUENTIN BAKER
Director of Legal Services
P O Box 104
County Hall
Northampton
NN1 1AW
(L/DCH/H-006718)

THIS AGREEMENT is made the 14th day of January 2013

BETWEEN:

NORTHAMPTONSHIRE COUNTY COUNCIL of County Hall Northampton NN1 1DN (hereinafter called "the Council") of the first part; and

AUGEAN SOUTH LIMITED whose registered office is at 4 Rudgate Court, Walton, Wetherby, LS23 7BF (hereinafter called "The Owner") of the second part.

WHEREAS

1. DEFINITIONS AND INTERPRETATION

1.1 In this agreement the following terms and expressions have the respective meanings given to them unless the context otherwise requires:

"the 1990 Act" means the Town and County Planning Act 1990 and any amending or replacing legislation for the time being in force

"the 2008 Act" means the Planning Act 2008 and any amending or replacing legislation for the time being in force

"the Application" means the application for the DCO to authorise the Development on the Land made under Section 30 of the 2008 Act by the Owner on 7 March 2012

"Commence" means the carrying out of a material operation (as defined in Section 56(4) of the 1990 Act) excluding any operations relating to soil investigations or works in respect of land contamination archaeological investigations site clearance division of services receipt and erection of construction plant and equipment the erection of temporary fencing hoardings and erection of site compound buildings and "Commence" and "Commenced" shall be construed accordingly.

"Community Fund" means the fund established by the Council pursuant to the Section 106 Agreement dated 5TH November 2010 and to be used only for the Specified Purposes

"the Development"	means the development at the ENRMF on the Land and described in Schedule [A] of the DCO
"DCO"	means the development consent order to be made under the 2008 Act pursuant to the Application
"the ENRMF"	means the East Northants Resource Management Facility, Stamford Road, Kings Cliffe, Peterborough, PE8 6XX
"the Existing Planning Permissions"	means the existing planning permissions on the Land namely 12/00029/WAS, 12/00030/WAS and 12/00031/WAS
"the Existing Section 106 Agreement"	means the Section 106 Agreement dated 16 th October 2012 and entered into by Augean South Limited and Northamptonshire County Council in respect of planning application references 12/00029/WAS, 12/00030/WAS and 12/00031/WAS
"the Highways Contribution"	means a contribution of five thousand pounds (£5,000) per year for the Highway Purposes
"the Highway Purposes"	means highway maintenance and improvement of Stamford Road to the north of the Land
"the NID"	means the National Infrastructure Directorate or any other body which supersedes it
"the Land"	means the area shown edged red on the plan attached to this Agreement
"LLW"	means solid radioactive waste up to a maximum specific activity of 200 becquerels per gram (Bq/g)

"the Previous Planning Permission"

means the planning permission on the Land for the disposal of LLW in respect of planning application reference EN/09/01269/NCC as granted by the Secretary of State on 24th May 2011 (APP/K2800/A/10/2126938)

"Specified Purposes"

means the approved objects listed in regulation 33(2) (c), (d), (da), (e) and (f) of the Landfill Tax Regulations 1996 (as may be amended from time to time) and all or any reasonable costs (including salaries and reasonable expenses) associated with facilitating and running any such projects under regulation 33(2) (c), (d), (da) or (e)

1.2 In this Agreement (unless the context otherwise requires):

1.2.1 the words "including" and "include" and words of similar effect shall not be deemed to limit the general effect of the words which precede them

1.2.2 obligations undertaken by a party which comprises more than one person shall be deemed to be made by them jointly and severally

1.2.3 words importing persons shall include firms, companies and bodies corporate and vice versa

1.2.4 words importing the singular shall include the plural and vice versa

1.2.5 words importing the masculine gender include the feminine gender and vice versa and words importing the neuter gender include the masculine and/or feminine gender

1.2.6 the headings and page numbers throughout this Agreement are for convenience only and shall not be taken into account in the construction and interpretation of this Agreement

1.2.7 references to a numbered clause, schedule, paragraph or appendix are references to the clause, schedule, paragraph or appendix to this Agreement so numbered

- 1.2.8 any reference to any statutory provision shall be deemed to include any subsequent re-enactment or amending provision
- 1.2.9 an obligation to do something includes an obligation to procure it to be done
- 1.2.10 an obligation not to do something includes an obligation not to allow it to be done
- 1.2.11 where in any other part of this Agreement an expression or word is defined or expressed to have a particular meaning in such part the word or expression so defined shall have the same meaning throughout this Agreement unless the contrary intention is expressly stated.
- 1.2.12 No failure or delay by the Council to exercise any right power or remedy will operate as a waiver of it nor will any partial exercise preclude any further exercise of the same or of some other right or power of the relevant Council officers.

2. RECITALS

- 2.1 The Council is the local planning authority for the Development by whom the planning obligations contained within Schedule 1 hereto are enforceable.
- 2.2 The Owner is the freehold owner of the Land free from encumbrances.
- 2.3 The Owner has submitted the Application to the NID for consent to carry out the Development on the Land.
- 2.4 Policy CMD 14 of the Northamptonshire Minerals and Waste Development Framework, Control and Management of Development, Development Plan Document (June 2011) provides 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 provide benefits to compensate the local community affected by the development (where appropriate).
- 2.5 Whereas the Council acknowledges that the technical evidence demonstrates that the risks to health or the environment as a result of the controlled and properly regulated disposal of LLW on the Land are small and tolerable, there may remain perceptions in the local community that there are associated potential impacts. The Community Fund provides

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.

2.6 Nothing in this Agreement constitutes an obligation to grant the DCO.

NOW THIS AGREEMENT made in pursuance of Section 106 of the Act (as amended) Section 111 of the Local Government Act 1972 and all other enabling powers **WITNESSES** as follows:

3 STATUTORY PROVISIONS

3.1 This Agreement is executed as a Deed and the planning obligations contained in this Agreement are planning obligations for the purposes of Section 106 of the Act and this Agreement is made pursuant to Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 and in pursuance of all other powers enabling the parties hereto respectively

3.2 The planning obligations contained in this Agreement shall be enforceable by the Council

3.3 The planning obligations are intended to run with the Land so as to bind successive owners of every part of the Land

4 COMMENCEMENT AND CONTINUANCE

4.1 Without prejudice to the position of the Owner or the Council on the Application the covenants and obligations contained in this Agreement (with the exception of the clause 8 which shall take effect on the completion of this Agreement) shall be conditional and shall not have effect unless and until:

4.1.1 the DCO is made; and

4.1.2 the service of a written notice upon the Council by the Owner that the Development is to be commenced pursuant to the DCO on the Land.

4.2 The planning obligations in this Agreement shall lapse and cease to be binding upon the Owner for the time being of the Land if the DCO shall lapse without being implemented or be quashed or revoked.

4.3 Upon this Agreement having effect pursuant to clause 4.1 above and PROVIDED THAT a period of at least six weeks has expired without any party lodging proceedings by a claim for judicial review pursuant to Section 118 of the 2008 Act challenging the granting of the DCO:

4.3.1 The Existing Planning Permissions shall be revoked by the Council pursuant to its powers under Section 97 of the 1990 Act; and

4.3.2 all of the obligations in the Existing Section 106 Agreement will be superseded by the obligations in this Agreement and the Council shall ensure that any entry made in the Register of Local Land Charges is cancelled or otherwise record the fact that the Existing Section 106 Agreement has come to an end and no longer affect the site.

4.4 In the event that a claim for judicial review is lodged pursuant to Section 118 of the Act challenging the granting of the DCO and following the completion of those proceedings the DCO is not quashed clauses 4.3.1 and 4.3.2 shall then take effect.

4.5 In the event that the Council seeks to revoke the Existing Planning Permissions pursuant to clause 4.3.1 above the Owner shall give notice pursuant to Section 99(1) (b) of the 1990 Act that they do not object to an order revoking the Existing Planning Permissions and further the Owner covenants that it will not make any claim for compensation consequent on such revocation pursuant to Section 107 of the 1990 Act.

5 COVENANTS

5.1 The Owner covenants to perform and observe the Planning Obligations set out in Schedule 1.

5.2 The Council covenants to perform and observe the obligations set out in Schedule 2.

6 DISPOSAL OF INTEREST IN LAND

The Owner and all subsequent owners of the Land shall cease to be bound by the provisions of this Agreement forthwith upon disposal of their respective interest in the Land or any part thereof and shall not be liable for any breach of this Agreement occurring whilst it or they shall have no interest in the Land or the part thereof in respect of which such breach occurs.

7 LOCAL LAND CHARGE

7.1 The Owner acknowledges that this Agreement may be registered as a local land charge in the Register of Local Land Charges maintained by the District Council.

7.2 Where the Agreement comes to an end under Clause 4.2 above or otherwise ceases to have effect, any entry made in the Register of Local Land Charges shall be cancelled or otherwise record the fact that it has come to an end and no longer affects the site

8 PAYMENT OF THE COUNTY COUNCIL'S STANDARD FEE

On the execution hereof the Owner shall pay to the Council the Council's standard legal charge in this matter amounting to the sum of £1,500.00.

9 FURTHER PLANNING PERMISSIONS AND DEVELOPMENT CONSENTS

Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission or consent other than the DCO made (whether or not on appeal or by any other means) after the date of this Agreement

10 VARIATION OF THIS AGREEMENT

10.1 This Agreement may be varied only by deed between the parties hereto or their respective successors in title and assigns.

10.2 For the purposes of (inter alia) the Contracts (Rights of Third Parties) Act 1999 it is hereby **AGREED AND DECLARED** that the parties to this Agreement (and their respective successors in title) may rescind or vary this agreement without the consent of any third party.

11 APPROVALS, CONSENTS, ETC

11.1 All approvals certificates consents agreements satisfactions confirmations or calculations (or anything of a similar nature) that may be requested by the Owner and/or given by the Council or its officers in accordance with this Agreement shall be in addition to any other approvals consents agreements or confirmations that may be required by the Act or by any other statute or regulations.

11.2 All such approvals consents agreements satisfactions confirmations or calculations shall not be unreasonably withheld or delayed by the Council or its relevant officers.

12 BALANCE OF AGREEMENT HAVING EFFECT

In the event that any part of this Agreement may be subject to challenge review deletion or otherwise rendered null/void or voidable the balance of the said Agreement shall remain in full force and effect

13 NOTICES

Notices required to be given or served under this Agreement shall be addressed to the parties at their addresses referred to in the Commencement of this Agreement

14 CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999

For the purposes of (inter alia) the Contracts (Rights of Third Parties) Act 1999 nothing in this Agreement is intended to confer any benefit upon or create rights in favour of any party other than the parties executing this Agreement and their respective successors in title

15 PAYMENT

15.1 Unless otherwise provided the date for payment (the "Due Date") of any sum payable under any provision of this Agreement shall be the date on which payment becomes due under such provision or (in the case only where payment does not have to be made except following a demand or notification by the Council of the sum payable) the date 7 days after the making of such demand or notification

15.2 Where payment of any sum payable as aforesaid is made after the Due Date interest shall be payable from the Due Date until the date of actual payment and shall be added to and form part of such sum at the rate of four per cent above the base rate for the time being of the Bank of England

16 RESOLUTION OF DISPUTES (OTHER THAN MEANING OR CONSTRUCTION)

16.1 In the event of any dispute or difference arising between the parties hereto touching or concerning any matter or thing arising out of this Agreement (other than a dispute or difference touching or concerning the meaning or construction of this Agreement) such dispute or difference shall be referred to some independent and fit person holding appropriate professional qualifications to be appointed (in the absence of agreement) by the President (or equivalent person) for the time being of the professional body chiefly relevant in England to such qualifications and such person shall act as an expert and his decision shall be final and binding on the parties to the dispute or difference and his costs shall be payable by the parties to the dispute in such proportion as he shall determine and failing such determination shall be borne by the parties to the dispute or difference in equal shares.

16.2 In the absence of agreement between the parties to the dispute or difference as to the professional qualifications of the person to be appointed pursuant to sub clause 16.1 above or as to the appropriate professional body within fourteen days after any party has given to the other parties to the dispute or difference a written request to concur in the professional

qualifications of the person to be appointed pursuant to sub clause 16.1 above then the question of the appropriate qualifications or professional body shall be referred to a solicitor to be appointed by the President for the time being of the Law Society of England and Wales on the application of any party to the dispute or difference and such solicitor shall act as an expert and his decision as to the professional qualifications of such person or as to the appropriate professional body shall be final and binding on the parties to the dispute or difference and his costs shall be payable by the parties to the dispute in such proportion as he shall determine and failing such determination shall be borne by the parties to the dispute or difference in equal shares.

IN WITNESS of the above the parties have executed this Deed as a deed and the same has been delivered by them or on their behalf on the above date

THE COMMON SEAL of
NORTHAMPTONSHIRE COUNTY
COUNCIL was hereto affixed in the
presence of



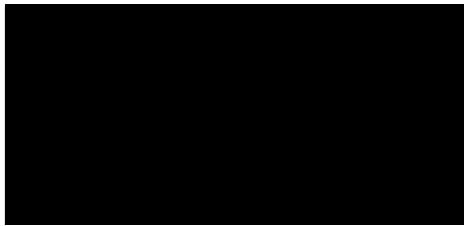
Authorised Signatory
(the Officer appointed for that purpose)



SIGNED AS A DEED by AUGEAN
SOUTH LIMITED in the presence of:-

Director

Director/Secretary



SCHEDULE 1

OBLIGATIONS

LLW COMMUNITY FUND CONTRIBUTION

1. Subject to the provisions of paragraph 2 below, for each tonne of LLW accepted on the Land the Owner will pay five pounds (£5) to the Council for immediate deposit in to the Community Fund.
2. The Owner will only be obliged to make one annual payment to the Council for deposit in the Community Fund which will be payable on the 1st April to satisfy the obligation in paragraph 1 above which shall be calculated by reference to the total tonnage of LLW that has been accepted in that preceding calendar year.
3. If the Council requests the Owner to do so, the Owner shall provide a quarterly report to the Council setting out information on the amount of LLW received in that preceding quarter.
4. For the avoidance of doubt the first payment to be made pursuant to paragraph 2 of this Schedule 1 shall be in respect of all LLW accepted on the Land pursuant to either the Previous Planning Permission, the Existing Planning Permissions or the DCO during the preceding calendar year before that payment falls due.

HIGHWAY CONTRIBUTION

5. The Owner shall pay to the Council the Highway Contribution annually on 29 June taking effect pursuant to clause 4.1 of this Agreement with a final payment to be made in the year 2026

SCHEDULE 2

LLW COMMUNITY FUND

1. The Council shall continue to carry out all the necessary steps required to administer the Community Fund and shall secure prior approval from the Owner, such approval not to be unreasonably delayed or withheld, as to the appropriate set up and administration of the Community Fund PROVIDED THAT both the Owner and the Council shall be required to be a signatory for the release of any and all monies from the Community Fund.
2. The Council shall be responsible for the day to day administration of the Community Fund.
3. The Council shall only be entitled to use the monies in the Community Fund for the Specified Purposes AND PROVIDED THAT the project concerned must lie within a maximum 10 mile radius of the Land.
4. In respect of each project that the Council allocates monies to in accordance with paragraph 3 above the Council shall prepare and send a letter to the project coordinator confirming that the Owner is responsible for donating the relevant monies to that particular project.
5. The Council shall provide an annual report to the Owner setting out details of the relevant projects that monies have been allocated to from the Community Fund.
6. The Council shall allow the Owner to carry out an annual open book audit of the accounts for the Community Fund upon receipt of 21 days written notice of such request.

HIGHWAY CONTRIBUTION

7. The Council shall only use the Highway Contribution for the Highway Purposes.
8. In the event that all or any part of the Highway Contribution has not been expended by the Council in accordance with the provisions of paragraph 7 of this Schedule on completion of the Development such sums as remain unexpended shall be returned by the Council to the Owner together with interest thereon calculated at the rate of 2% above the base rate of Barclays Bank plc from the date of payment by the Owner.

Key / Notes

- Boundary of the East Northants Resource Management Facility (ENRF) as shown on the 1997 aerial photograph (ENRF 184-C) and approximate boundary of Permit Number 07-0133000-01 for the Hazardous Waste landfill
- Boundary of the soil treatment facility (SF) as shown on reference 07-030-00000-01, 07-0133000-01
- Boundary of the LLW disposal area (Appeal reference: 07-030-00000-01 and 07-0133000-01) and approximate boundary of Permit Number 06-0053300-01 and approximate boundary of Permit Number 06-050 for LLW disposal
- Approximate location of the unpermitted liquid cell boundaries
- Approximate boundary of Permit Number 03-13003 for the soil treatment facility
- Current haul roads
- Woodland
- Surface water collection areas
- Existing gas flare compound

NOT TO SCALE

Rev	Status	Dim Appr	Date
Final	MR SPEC LH	10/04/12	



The current site layout and the current planning permission boundaries

Figure E87
 Date: 12/20/04
 Drawing No: AUG804-12/04
 Revision: 1
 Project: Resource Management Facility
 Client: East Northants Resource Management Facility
 Drawing Title: Current Site Layout and Planning Permission Boundaries
 Drawing Number: 12/04/04
 MJC/A
 1000 Valley Road, Suite 100
 Wakefield, WY 10101
 Phone: 415.251.1100
 Fax: 415.251.1101

