

DELEGATED REPORT

REPORT BY DIRECTOR AND GROWTH AND ECONOMY

Subject:	Local Impact Report on the application to the Planning Inspectorate for Development Consent for Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 for the alteration and construction of hazardous waste and low level radioactive waste facilities at the East Northants Resource Management Facility, Stamford Road, Northamptonshire
Applicant:	Augean South Ltd
Recommendations:	This Local Impact Report be submitted to the Planning Inspectorate on behalf of North Northamptonshire Council.

1. Background

- 1.1 Planning permission for silica clay extraction at this site was first granted in the 1950s and there were several subsequent planning permissions for further clay extraction and for infilling the extracted areas with inert waste materials. In 1997 the old silica clay mineral permissions were subject to a planning application for modern planning conditions, and these were approved. In 1998 (EN/88/833C) an application to deposit wastes, including hazardous wastes at the site was refused on grounds relating to landscape and amenity impact and no overriding need. This refusal was subject to a planning appeal which was originally dismissed by the Planning Inspector, but this decision was quashed following an appeal to the High Court.
- 1.2 The legal grounds upon which the Inspector's decision was quashed were fundamental to the principle of the development and when a further planning application was submitted for a smaller site with reduced capacity, the Northamptonshire County Council Development Control Sub-Committee approved the application (EN/99/844C). Subsequent to this decision further permissions were granted to enable asbestos to be tipped at the site (EN/02/166C) and for soil storage on land to the west of the landfill area (EN/02/78C). Permission was also granted for a material recycling facility at the site (EN/00/883C) although this did not include recycling of hazardous wastes. The waste recycling and storage activities were permitted for 11 years from the commencement of the development the subject of planning permission EN/99/844C. This activity has now ceased.
- 1.3 The operating company was originally Atlantic Waste Ltd, trading as Wastego, and there were issues which emerged relating to the discharge of planning conditions and the way the site was being managed. These matters were dealt with by the Northamptonshire County Council and the EA and in the midst of this the site was sold to Augean. Following discussions with the new owners of the site a revised application and Environmental Impact Assessment was put forward under Section 73a of the 1990 Town and Country Planning Act to deal with the planning issues which had emerged. This application to regularise the ongoing operations on the site was subsequently

approved on 3 July 2006 (EN/05/1264C). This consent superseded all previous planning permissions.

- 1.4 Several other planning permissions have been granted in respect of the site. In 2006 planning permission (EN/06/01517) was granted for the installation and operation of a gas flare and a surface water pumping station in an area to the north west of the application site. In 2008 planning permission was granted for the installation and operation of a soil water treatment facility to process contaminated soils (07/00048/WAS and 07/081838/NCC).
- 1.5 An application (accompanied by an Environmental Statement) was submitted in 2009 to also allow the disposal of Low-Level Radioactive Waste (LLW) in the last three phases of the permitted hazardous waste disposal area. The application was refused by the Northamptonshire County Council Development Control Committee but subsequently approved by the Secretary of State on appeal. The granting of this permission did not change the rate or volume of waste which could be deposited at the site (up to 250,000 tonnes per annum) nor the consented operational lifetime of the site (31 August 2013). The permission has been implemented and LLW waste has been deposited at the site. Augean notifies the North Northamptonshire Council and EA prior to each consignment of LLW entering the site.
- 1.6 In 2012 Augean applied to the National Infrastructure Directorate for the alteration of existing, and the construction of new facilities, for the recovery and disposal of hazardous waste and disposal of LLW at the application site. The Development Consent Order was granted, and the permission extended the life of the facility until 2026, with a 10 year aftercare period until 2036.
- 1.7 The site is also subject to pollution control which is the regulatory responsibility of the EA. The existing operations are subject to controls under Environmental Permits and an authorisation under the Radioactive Substances Act 1993 respectively. The site is subject to monitoring by the EA and Health Protection Agency (HPA) as well as the operator's own monitoring.
- 1.8 Detailed procedures including waste pre-acceptance checks, waste acceptance checks and quarantine arrangements for unacceptable waste that may be delivered to the site are specified in accordance with a radiation protection plan for the site. This was established in accordance with the Authorisation in order to meet the requirements of the Ionising Radiation Regulations.
- 1.9 The management and engineering controls which are specified in the Environmental Permits would continue to apply following the cessation of waste acceptance and restoration at the site. In accordance with the legislation the Environmental Permits would remain in place until, in the opinion of the EA, the site no longer represents a potential risk to the environment. In accordance with the Environmental Permits the site is the subject of Financial Provision which is a bond provided by the operator for use in the event that the company no longer exists.
- 1.10 A local liaison group (LLG) meets approximately twice a year to provide a forum for regular discussions with the local community. The group includes representatives of King's Cliffe Parish Council and other nearby parish councils, as well as the operator, and officers from the North Northamptonshire Council and the EA as well as the local

ward councillors.

2. Proposal

2.1 A summary of the proposed development is presented below.

- The construction of new landfill void in the Proposed Western Extension for the continued disposal of the same range of predominantly hazardous wastes and a limited amount of low-level radioactive waste (LLW) as deposited at the Existing ENRMF with a capacity of greater than 100,000 tonnes per annum (tpa) of hazardous waste which satisfies section 30(1) and section 30(2)(a) of the Act.
- A proposal for a coherent landform for the restoration of the Existing Landfill Facility and the Proposed Western Extension resulting in the construction of new landfill void in the Existing Landfill Facility to connect with the Proposed Western Extension with a capacity of greater than 100,000 tonnes per annum (tpa) of hazardous waste which satisfies section 30(1) and section 30(2)(a) of the Act.
- A total additional landfill void to be constructed of approximately 2.5 million cubic metres.
- The winning and working of minerals in the Proposed Development in order to create the landfill void and provide extracted materials for use on site as well as the exportation of clay and overburden for use in engineering, restoration and general fill at other sites.
- The temporary stockpiling of clay, overburden and soils for use in the construction of the engineered containment system at the site and restoration of the site.
- The direct input of waste into the Existing Landfill Facility and the Proposed Western Extension will continue at a rate of up to 150,000tpa.
- An increase to the hazardous waste throughput of the Existing Waste Treatment and Recovery Facility from 200,000tpa to 250,000tpa which comprises an increase of 50,000tpa compared with the rate consented in the Original Order and the extension of the treatment area to the south while remaining within the Existing ENRMF footprint which satisfies section 30(3) and section 30(4)(b) of the Act.
- A combined total waste importation rate limit to site for the Proposed Development of 300,000tpa which is an increase of 50,000tpa compared with the rate consented in the Original Order.
- The LLW which will continue to be disposed of at the ENRMF and will be disposed of in the Proposed Western Extension will be limited to that which is at the lower end of the activity range and typically will have a level of radioactivity of up to 200 Bq/g.
- The diversion of the overhead electricity cable that crosses the Proposed Western Extension to a trench which follows the route of the water pipes across the Proposed Western Extension and then follows the western margin of the site to the northern corner.
- The operational hours of the site will not change from those already consented in the Original Order.

- Restoration of the whole site to generally domed profiles to create a coherent restoration landform.
- Restoration of the site to improved biodiversity and nature conservation interest using the soils available at the site as well as suitable imported materials. The site will be restored to a mosaic structure of woodland with shrubby edges, flower meadow grassland, scattered trees, hedgerows and waterbodies.
- Completion of the landfilling and restoration operations by December 2046 and removal of the Existing Waste Treatment and Recovery Facility.
- Retention of infrastructure until 2046 and the retention of long-term management infrastructure beyond this date.

3. Consultation

3.1 The Council has not undertaken its own consultation exercise with regard to this Local Impact Report. Officers have however reviewed the representations made to the NID and these have been noted.

4. Public Advertisement and Neighbour Notification

4.1 Undertaken by the Applicant.

5. Planning Policy Context

5.1 The following National Planning Documents are relevant:

National Policy Statement for Hazardous Waste

National Planning Policy Framework

National Planning Policy for Waste

5.2 The following Development Plan documents and policies are considered to be most relevant to the proposal:

Northamptonshire Minerals and Waste Local Plan (July 2017)

Policy 10 – Northamptonshire’s Waste Management Capacity

Policy 11 – Spatial Strategy for Waste Management

Policy 12 -Development Criteria for Waste Management Facilities (non-inert and hazardous).

Policy 14 – Strategy for Waste Disposal

Policy 15 – Development Criteria for Waste Disposal (non-inert and hazardous)

Policy 17 – Development Criteria for Radioactive Waste Management

Policy 18 – Addressing the Impact of Proposed Minerals and Waste Development

Policy 19 - Encouraging Sustainable Transport

Policy 20 – Natural Assets and Resources

Policy 21 - Landscape Character

Policy 22 – Historic Environment
Policy 23 – Layout and Design Quality
Policy 24 – Restoration and Afteruse
Policy 25 - Implementation

North Northamptonshire Joint Core Strategy (July 2016)

Policy 1 - Sustainable Development
Policy 2 – Historic Environment
Policy 3 – Landscape Character
Policy 4 - Biodiversity and Geodiversity
Policy 5 – Water Environment, Resources and Flood Risk Management
Policy 8 – North Northamptonshire Place Shaping Principles
Policy 21 – Rockingham Forest

Rural North Oundle and Thrapston Plan (July 2011)

Policy 4 – Green Infrastructure
Policy 7 – Flood Risk
Policy 11 – Enhancing Biodiversity

King's Cliffe Neighbourhood Plan (October 2019)

Policy RC2 – Biodiversity Protection and Gain
Policy RC3 – Rights of Way

6. Assessment

Principle of the Development

- 6.1 The National Policy Statement for Hazardous Waste (NPS) is used by the Secretary of State as the primary basis for decisions on development consent applications for hazardous waste infrastructure that fall within the definition of an NSIP. The NPS notes in the summary at paragraph 3.1 that 'A Strategy for Hazardous Waste Management in England (2010)' established the need for new hazardous waste facilities and set out the types of facility required, which include nationally significant infrastructure facilities for treatment plant for air pollution control residues as well as bioremediation and soil washing for the treatment of contaminated soil and for hazardous waste landfill. Paragraph 3.4.14 of the NPS makes it clear that the Government has concluded that there is a need for such hazardous waste infrastructure facilities, and that: "The Examining Authority should examine applications for infrastructure covered by this NPS on the basis that need has been demonstrated". The NPS therefore provides a significant material consideration in support of the need for hazardous waste treatment and disposal facilities.

6.2 Notwithstanding the support for the principle of the development in the NPS, it is also necessary to consider the principle of the proposal against the Development Plan in particular the Minerals and Waste Local Plan (MWLP). Policy 10 of the MWLP deals with Northamptonshire's waste management capacity to support growth and net self-sufficiency and provision will come from a mix of extensions to existing sites, intensification or re-development of existing sites and new sites providing they all meet the spatial strategy, and environmental and amenity requirements. The MWLP estimates that 51,000 tonnes of hazardous waste was produced within Northamptonshire in 2011, with the majority (70%) exported. Policy 10 identifies a capacity requirement for hazardous recycling (0.02 Million tonnes per annum) (Mtpa), hazardous treatment (0.1 Mtpa) and hazardous disposal (0.006 Mtpa); making a combined total of 0.036 Mtpa in 2021 rising slightly to 0.037 Mtpa in 2031. Future capacity requirements are therefore currently more than adequately met by the existing ENMRF site, until the current permission ceases in 2026. Beyond this date there is no significant local need for a large-scale hazardous waste treatment and disposal facility in Northamptonshire.

6.3 Paragraph 5.14 of the MWLP states;

'that Northamptonshire is a net importer of hazardous waste importing over four times as much as it exports, with over 200,000 tonnes of hazardous waste managed within Northamptonshire in 2011.'

6.4 This 200,000 tonnes figure reflects the waste imported to the county and managed at the ENMRF facility. Paragraph 5.15 of the MWLP acknowledges this and states:

'the ENMRF located at Kings Cliffe, Northamptonshire is a hazardous waste disposal (landfill) and treatment facility; this facility has a national catchment and is one of few such facilities in the Country'

6.5 Therefore, the MWLP acknowledges the existing national importance of the ENMRF. Policy 14 of the MWLP deals with the strategy for waste disposal, and provision should only be made where the need can be justified and where this is the case preference would be for an extension to an existing site. This is an extension to the current ENMRF site. Policy 10 does not identify a need for a large extension to the ENMRF to meet Northamptonshire's capacity requirements for hazardous waste management. The Examining Authority needs to weigh this against the NPS support for the need for hazardous waste treatment and disposal facilities in the planning balance.

6.6 In respect of radioactive waste, the MWLP recognises (paragraph 5.17) that Northamptonshire does not produce radioactive waste from the nuclear industry and produces a very small quantity (34m³ in 2008) from the non-nuclear industry. The MWLP recognises (Paragraph 5.20) that there are few facilities currently available within the UK to dispose of Low-Level Radioactive Waste (LLW) and ENMRF is one of these facilities.

6.7 National policy for the management of solid low level radioactive waste (LLW) is presented in the Policy for the Long -Term Management of Solid Low Level Radioactive Waste in the United Kingdom March 2007. The 2007 Policy states that the Government wishes to ensure that there are disposal routes available for the long- term management of LLW arising from both the nuclear and non-nuclear industries in the UK. The applicant

considers that there is a continuing need for LLW which cannot be managed at a point higher in the waste hierarchy to be consigned for landfill disposal at facilities such as ENRMF. It is stated in the 2007 policy document that the policy statement should be taken into account during the development of policies and plans by, among others, the planning authorities.

6.8 Policy 17 of the MWLP sets development criteria for radioactive waste management which applicants should demonstrate that:

- It represents the most appropriate management option.
- It is in line with the principle that communities take more responsibility for their own waste enabling the waste to be managed in one of the nearest appropriate installations.
- It complies with national guidance and the principles of sustainable waste management including the waste hierarchy. In doing so it should identify the intended catchment area.
- Any adverse impacts can be mitigated to an acceptable level.
- It will not prejudice the existing use where the proposal is for disposal involving co-location on an operational or committed waste disposal site.

6.9 In respect of assessment against these criteria: the application proposes the disposal of LLW where this is the most appropriate management option; the principle that communities take responsibility for their own waste and that waste is managed at the nearest appropriate installation is common to all waste types; as is compliance with national policy and sustainable development, and the waste hierarchy. The ENMRF is one of very few facilities currently able to dispose of LLW and the application proposes a continuation of the national catchment area; and the current site management has demonstrated the LLW disposal has taken place without prejudice to the hazardous waste treatment and disposal operations. These are factors which need to be considered by the Examining Authority.

6.10 The existing use of the site is agricultural land and therefore there is no prejudicial impact on an operational or committed waste disposal site. Conversely, this proposal is for an extension of an existing operational waste disposal site which has existing waste management infrastructure established (offices, laboratory, Weighbridge, wheel wash) which would continue to be utilised.

6.11 Consideration of the mitigation of any adverse impacts to an acceptable level is assessed in the environmental, amenity, health, and highway safety impacts of the overall development, including hazardous waste management, which are considered further in this LIR.

- 6.12 Policy 11 of the MWLP deals with the spatial strategy for waste management and seeks to focus Northamptonshire's waste management network, particularly advanced treatment facilities, within the central spine and the sub-regional centre of Daventry, with development also concentrated in the towns of Northampton, Wellingborough, Kettering, Corby and Daventry consistent with their local service role. This site is outside of the Central Spine and the main towns and is located within the rural hinterlands. Policy 11 states that in rural hinterlands only facilities with a local or neighbourhood catchment or that are incompatible with urban development, should be provided. Where it is the latter the facilities should deal with waste generated from identified urban areas and be appropriately located to serve those areas. This application is to both dispose of waste by landfill and to treat waste in the soil treatment facility. This would meet the definition of preliminary treatment in the Glossary in Appendix 5 of the MWLP. It is therefore accepted that this type of facility is appropriate for the rural hinterland. Whilst this facility is not confined to dealing with waste from identified urban areas, as it has a national catchment, this is not a significant issue in respect of Policy 11 providing it is a facility which would be incompatible with urban development, which is the case. Consideration of the catchment area for the waste to be managed is a requirement under Policy 12 of the MWLP.
- 6.13 Policy 12 of the MWLP lists the development criteria for waste management facilities, including hazardous waste. The key criteria that the applicant must demonstrate is that: the development does not conflict with the spatial strategy for waste management; it should facilitate the delivery of Northamptonshire's waste management capacity requirements; clearly establishes a need for the facility and the catchment area for the waste; and is in general conformity with the principles of sustainability. Paragraph 6.12 above deals with the spatial strategy for waste management and paragraphs 6.2 to 6.6 above deal with Northamptonshire waste management capacity requirements. In respect of the catchment area for the hazardous and LLW waste the MWLP acknowledges that the ENMRF facility has a national catchment (paragraph 6.4 above).
- 6.14 Policy 15 of the MWLP lists development criteria, similar to Policy 12, but specifically related to waste disposal which must be demonstrated; including that: additional capacity is needed to deliver waste capacity requirements; it clearly establishes the need for the facility, the intended functional role, intended catchment area and where applicable the need for a specialist facility. Paragraph 5.15 of the MWLP recognises that the ENMRF site is one of few such facilities in the Country and therefore it can be regarded as a specialist facility.
- 6.15 MWLP Policy 15 criteria also requires waste that is disposed to have undergone prior treatment to ensure that only residual waste is disposed of and that disposal forms the last available management option, and the soil treatment facility satisfies this requirement.
- 6.16 MWLP Policies 12 and 15 also require development to be in general conformity with the principles of sustainability. Additionally, Policy 1 of the North Northamptonshire Joint Core Strategy (NNJCS) requires the Local Planning Authority to take a favourable approach to development proposals which take a positive approach that reflect the presumption in favour of sustainable development. This is essentially a judgement on how the proposal fits with the national and local development plan policies and the Examining Authority will need to assess and make a balanced judgement on this matter.

- 6.17 Where the requirements of Policy 15 are demonstrated preference will be given to extensions to existing sites. The application proposes an extension to the site and therefore satisfies this requirement in Policy 15 and the Examining Authority can take this into account.
- 6.18 The proposed landfill extension includes the extraction of clay for use on site and off site. Paragraphs 4.60 and 4.61 of the MWLP discuss the use of refractory minerals and clay and recognise that such materials within Northamptonshire are typically used for engineering works and fill, including the lining and capping of landfill sites. It is stated that demand within the County for such material can be met through incidental working or the use of alternative materials. To this effect, no allocations for refractory minerals or clay have been made in the Locations for Minerals DPD. Proposals for such minerals are to be assessed having regard to MWLP Policy 3 (Development criteria for mineral extraction).
- 6.19 Policy 3 requires extraction of minerals from non-allocated sites (including extensions to existing sites and extensions to allocated sites) to demonstrate that the development:
- Does not conflict with the spatial strategy for mineral extraction
 - Is required to meet a proven need for materials with particular specifications that cannot reasonably or would not otherwise be met from committed or allocated reserves
 - Will maximise the recovery of the particular reserve whilst minimising waste through operational techniques employed; and
 - Promotes the most appropriate end-use of materials.
- 6.20 With regard to Policy 3 and the site location, the spatial strategy for mineral extraction focuses on sand and gravel extraction and clay extraction is often an opportunist benefit from aggregate quarrying or other large engineering projects. The application site benefits from having clay on site that is of a specification suitable for engineering landfill cells and would avoid the need to import such material. The export of clay to the nearby Thornough landfill site (also operated by Augean South Ltd) would fulfil a requirement at that site which would otherwise have to obtain suitable clay for engineering purposes from elsewhere.
- 6.21 It is considered of some significance to point out that the existing ENMRF site covered a site area which already had historic permissions for silica clay extraction covering part of the site, whereas there is no such mineral permission for clay extraction existing at the current application site. From a local impact perspective therefore the primary matter for the Examining Authority to assess is whether there is justification for disposal of hazardous and LLW waste at the site, rather than the need for clay.

Other Development Plan Policies Relevant to the Local Impact Report

- 6.22 Policy 18 of the MWLP requires the local impact of proposed minerals and waste development to be addressed, and lists criteria that development proposals must demonstrate. These are:
- protecting Northamptonshire's natural resources and key environmental designations,

- avoiding and minimizing potentially adverse impacts to an acceptable level, specifically addressing air emissions (including dust) odour, bioaerosols, noise and vibration, slope stability, vermin and pests, birdstrike, litter, land use conflict and cumulative impact;
- impacts on flood risk as well as the flow and quality of surface and groundwater
- ensuring built development is of a design and layout that has regard to its visual appearance in the context of the defining characteristics of the local area,
- ensuring access is sustainable, safe and environmentally acceptable, and
- ensuring that local amenity is protected.

6.23 Policy 8 (Place Shaping Principles) of the NNJCS also lists similar criteria for consideration related to development and in particular Policy 8 e) seeks to ensure to ensure quality of life and safer and healthier communities related to matters including amenity, environmental, biodiversity and pollution impacts.

Amenity Impacts

6.24 The potential effects on amenity of dust, mud on the road and lighting were assessed in the Environmental Statement and this should be taken into account by the Examining Authority. From a local impact perspective, the operations at the site have not given rise to complaints relating to noise, vibration, dust, odour, or light nuisance. It is noted that noise impacts would be controlled in accordance with the noise management plan under a requirement in the proposed Development Consent Order (DCO). Similarly, dust would be controlled as part of the DCO requirements relating to the management of stockpiles and soils set out in the dust management scheme and soil handling and management scheme, which includes a bird hazard management plan. The DCO also includes a requirement to mitigate any impacts from floodlighting.

6.25 Mud on the road has given rise to some complaints during the operation of the current site albeit these have not been recent. The site operator has always responded positively to any complaints and has made improvements to wheel washing and cleaning facilities. The wheel cleaning facilities are controlled by a requirement in the DCO. The applicant makes the point that the proposed drainage improvements at the site access will reduce the potential for site runoff to accumulate at the site entrance and be tracked onto the road. It is appropriate to continue to control mud on the road through a DCO requirement.

6.26 In respect of air quality (including dust and odour) this is principally a pollution control matter for the Environmental Permit issued by the environment Agency. The monitoring of air quality and gas in the ground at the site is undertaken routinely in accordance with the Environmental Permit. It is important to note that both the National Planning policy Framework (NPPF) and the National Planning Policy for Waste (NPPW) make it clear that waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

Ecology

6.27 Policies 18 and 20 of the MWLP seek the protection of Northamptonshire's natural resources and key environmental designations, and Policy 20 also seeks to achieve a net gain in natural assets and resources. Policy 4 of the NNJCS also seeks a net gain in

biodiversity. The site is within the Rockingham Forest and Policy 21 of the NNJCS seeks to strengthen biodiversity, carbon storage, landscape character and green infrastructure, support a prosperous rural economy and provide appropriate leisure and recreational opportunities. Policy 11 of the Rural North Oundle and Thrapston Plan (RNOTP) seeks for new development to enhance biodiversity, and Policy RC2 of the King's Cliffe Neighbourhood Plan seeks that development proposals achieve biodiversity net gain where possible. Policy 4 of the RNOTP seeks for new development to contribute to the wider green infrastructure network.

6.28 Extensive ecological surveys were undertaken at the site by the applicant and an ecological impact assessment for the proposed development was prepared. Surveys were undertaken for a range of species such as amphibians, reptiles, badgers, bats, birds, invertebrates and dormice. A tree survey was also undertaken. A detailed survey was undertaken to determine the extent of habitats on the site. The majority of the proposed western extension is agricultural land which typically has a low level of biodiversity. Habitat creation and enhancement is incorporated in the site design. The Environment Act 2021 requires development to achieve a biodiversity net gain of at least 10%. The application assesses that proposed landscaping and restoration will provide over 110% net gain in habitats and over 550% net gain in hedgerows. The proposed phasing, landscape and restoration plan are controlled by a Requirement in the DCO. In the long term it is accepted that there will be significant biodiversity gain at the site having regard to satisfy the policy requirements in the development plan.

6.29 It is significant to note the ecology and biodiversity impacts, including on the nearest SSSI's, have been considered by Natural England and the council's ecology advisor, and they are satisfied that the impacts of the development can be appropriately safeguarded. Furthermore, they are satisfied that the proposals for the delivery of biodiversity net gain in the restoration plans will have a positive effect on the natural environment by creating new and enhance habitats connecting and providing stronger ecological links between Collyweston Great Wood and Easton Hornstocks SSSI and Fineshade woods.

Landscape and Visual

6.30 Policy 21 (Landscape Character) of the MWLP seeks to ensure that minerals and waste development reflects Northamptonshire's landscape character, and Policy 3 (Landscape Character) of the NNJCS requires development to be located and designed in a way that is sensitive to its landscape setting and enhance landscape character. The application includes a Landscape and Visual Impact Assessment (LVIA). The LVIA acknowledges that the topography in the proposed western extension area would be permanently changed because of the proposed development and there would be significant effects on the landscape character of the northern part of the proposed western extension. The topography of the local area has already been changed with the existing permitted landfill site and its associated agreed restoration plan. In this context the landscape character impacts of the western extension are mitigated particularly for the part of the proposed extension site immediately west of the existing site. The northern part of the western extension does not abut the existing site and therefore has more of a local impact on landscape character, albeit views are constrained to short range by woodland, and tree belts surrounding this part of the extension site. The landscape and visual

impacts and associated impacts on local landscape character should be considered in the planning balance by the Examining Authority.

Rockingham Forest

- 6.31 Policy 21 of the NNJCS seeks to ensure the regeneration of Rockingham Forest by measures which include new tree planting, linking fragmented habitats and enhancing green links. The restoration proposals provide additional wooded areas and hedgerows which achieve links to existing areas of woodland in accordance with the aims of Policy 21.

Cultural Heritage and Archaeology

- 6.32 Policy 22 (Historic Environment) of the MWLP and Policy 2 (Historic Environment) of the NNJCS seek to protect North Northamptonshire's historic environment. The application included an assessment of archaeological potential and the potential impacts on the setting of cultural heritage assets. The scheduled monuments listed buildings and structures were identified as separated from the application site by a distance in excess of 1.6 km and there is a lack of visibility due to topography and woodland. It concluded that the settings cannot be affected by the proposed development.

- 6.33 Assessment of the potential presence of archaeology features in the western extension included archaeological trenching investigation which confirmed the results of the desk-based research and the geophysical survey. Two areas of the proposed western extension were identified as containing archaeological interest of only local value and an Archaeological Mitigation Strategy (AMS) has been prepared and agreed with the North Northamptonshire archaeology advisor and compliance with this strategy is a requirement in the DCO. The local impact in respect of cultural heritage and archaeology is adequately mitigated.

Flood Risk and Drainage

- 6.34 Policy 18 of the MWLP and Policy 5 of the NNJCS require the impacts on flood risk and drainage impacts on surface and groundwater to be considered and addressed and Policy 7 of the Rural North Oundle and Thrapston Plan supports development schemes that improve the current situation and decrease surface water run-off. A flood risk assessment was undertaken for the proposed development. The site is in Flood Zone 1 which is defined as land assessed as having less than a 1 in 1000 (i.e. low) annual probability of river flooding. The surface water management plan for the site includes the necessary provisions for climate change in particular the predicted increase in frequency and intensity of rainfall storm events and a number of storm water attenuation basins are incorporated into the restoration concept scheme which ensures that the rate of discharge from the site does not result in a flood risk downstream. The Lead Local Flood Authority (LLFA) was forwarded the submitted flood risk and surface water management plan and has made comments regarding the details that are required to be covered in the final scheme. The draft Development Consent Order includes a requirement for detailed drainage design to be submitted and approved with the planning authority prior to development commencing. The flood risk and drainage impacts are therefore safeguarded.

Transport and Highway Safety

- 6.35 Policy 18 of the MWLP requires access to minerals and waste developments to be safe and environmentally acceptable and Policy 8 of the NNJCS requires a satisfactory means of access and the provision of parking, servicing and manoeuvring in accordance with adopted standards. The existing site access satisfactorily achieves the appropriate adopted standards.
- 6.36 The waste importation rate to the site will increase to 300,000tpa which is an increase of 50,000tpa as a result of the proposed development. The majority of the total Heavy Goods Vehicle (HGV) traffic numbers at the site are created by the importation of waste, the removal of treated wastes for recovery or disposal elsewhere and by the export of clay and overburden. A transport assessment for the proposed development was undertaken. This estimated that the maximum number of movements associated with the proposed development is 232 per day which is an increase of 36 HGV vehicle movements per day (a visit from one HGV counts as two movements, one movement in and one movement out). This equates to an hourly increase of 4 vehicle movements over the daily operating period development and which could result in an increase in daily HGV movements. The Local Highway Authority accepts that the local highway network has capacity to accommodate the potential maximum HGV traffic movements.
- 6.37 The existing DCO permission for the site includes a traffic routeing requirement for all HGV traffic travels directly to and from the A47 along Stamford Road north of the site access point. The Highway Authority would require this to be included in any permitted DCO.
- 6.38 Extraordinary damage to the section of Stamford Road between the site access and the A47 is currently covered in a Section 106 (S 106) Legal Agreement which provides for an annual payment of £5,000 towards highway maintenance works. The applicant is willing to continue this payment in a new S 106 agreement. This satisfies the requirement of the Highway Authority.
- 6.39 Policy 19 of the MWLP seeks to encourage sustainable transport and for minerals and waste development to be well placed to serve the intended catchment area(s), in order to minimise transport distances and movements. The site is acknowledged as having a national catchment for hazardous waste and LLW due to the specialist nature of the waste treatment and that there are few alternative sites.
- 6.40 The representation by the King's Cliffe Parish Council strongly insists an alternative entrance is put into place to manage the additional vehicle movement, maintenance and cleanliness of the road given the recent near misses (although this has not been evidenced) and road repairs recently carried out. These comments need to be balanced by the Examining Authority against the Highway Authority's comments on the adequacy of the existing access, and the highway safety considerations. The Highway Authority would not have any records of 'near misses' and it is difficult to attribute any great weight to this concern expressed by the Parish Council.

Layout and Design Quality

6.41 Policy 23 of the MWLP lists criteria related to the layout and overall appearance of waste management facilities, including: supporting local identity, Enhancing the overall landscape; incorporates specific elements of visual interest; and reduces fire risk on waste management and disposal sites. The landscape and visual impact considerations have already been discussed in this report. In terms of fire risk, the types of waste are predominately waste soils which are not highly combustible. It is also appropriate to note that fire risk is controlled under the Environmental Permit and therefore this is the appropriate regulatory body to ensure this is adequately managed.

Socio -Economic and Community Matters

6.42 The King's Cliffe Parish Council has objected to the DCO application although does not give specific details of the grounds of objection. There were two representations from members of the local community, raising issues over the impacts on the nearby SSSI, biodiversity, mud on the road, and peace and tranquillity for the wellbeing of local residents and visitors. These representations need to be considered in the planning balance by the Examining Authority.

6.43 It is noted that the local representations and objections relating to this DCO application are minor in comparison to the 2012 DCO application. However, the local community concern in 2012 was that the establishment of this facility as a hazardous waste and LLW facility of national importance to 2026 could lead to proposals coming forward for this to continue beyond 2026. The current DCO application is evidence that the concerns expressed in 2012 have come to fruition.

6.44 A local liaison group was established at the site and has been actively meeting throughout the period that Augean South Ltd has been involved with the ENMRF site. This has enabled the local community representatives to be fully informed of the operations at the site and of the role and responsibilities of the local waste planning authority, Environment Agency and environmental health officer. Augean has also arranged annual open days which any member of the public can attend. The company has also operated regular communications with the local communities through site update leaflets and on information on its web site. The liaison group along with the communications from the company has been successful in building confidence within the local community and this is no doubt reflected by the fact that there have been very few objections and representations made to this planning application.

6.45 The application includes evidence relating to the economic benefits to the local economy through employment, spending on local services, and funding of local community projects via both the landfill tax credit scheme and the LLW community fund. These have made a significant economic contribution and there is no local evidence that has emerged that the presence of the site has had a significant negative effect on the local economy. The applicant has proposed a continuation of the LLW community fund contributions through a Section 106 obligation and whilst this is not a material consideration to be taken into account in the planning balance, it is considered to be a local community benefit if the DCO is approved.

Health Impacts

6.46 Policy 8 e) of the NNJCS looks for development to ensure quality of life and healthier communities. The amenity impacts of the development have already been considered, however it should be noted that community concerns in 2012 were particularly focused on any potential health risks from a local site accepting hazardous and radioactive waste. This manifested a concern of 'perceived harm' from the facility which may remain in the local community. Notwithstanding this, it is acknowledged that the application includes robust health risk assessments and that the pollution control risks at the site will be appropriately controlled and regulated under the Environmental Permit, and other regulatory requirements governing the handling and disposal of hazardous and radioactive waste.

Restoration, After-care and After-use

6.47 Policy 24 of the MWLP requires minerals and waste development of a temporary nature to be progressively restored to an acceptable condition and stable landform. The after-use should be related to its land use context and the surrounding environmental character, on the basis that it enhances biodiversity, the local environment and amenity, and benefits the local community. Policy 24 provides a list of related requirements that restoration should meet which include: restoration of high-grade agricultural land; precedence to the establishment of Biodiversity Action Plan habitat and strategic biodiversity networks; enhancement of green infrastructure; and sites near to areas lacking recreational facilities should be restored in a manner which promotes such opportunities.

6.48 The proposed restoration scheme for the current site and proposed western extension involves restoring the land to neutral/calcareous wildflower grassland (a Biodiversity Action Plan target) interspersed with areas of scrub and trees which in time will extend naturally to provide more extensive woodland cover with glades and rides. The scheme also incorporates an extensive network of hedgerows with occasional trees to provide a range of ecological habitats. The restoration scheme also includes a number of footpaths including circular walks and would link with other public rights of way in the local area as well as a car park for use by visitors to the restored site. The applicant considers that the development of the restored site in accordance with the proposed scheme will provide an open green space and will help to support initiatives that will further promote an active healthy community.

6.49 The soils in the main part of the proposed western extension are classified as Grade 3b whilst the soils in the northern part of the proposed western extension are classified as Grade 3a which is considered as best and most versatile agricultural land. The application states that there will be a permanent loss of 25.8 hectares of agricultural land 5.9 hectares of which is best and most versatile agricultural land which would result in a moderate adverse impact on agricultural land. This is a relatively small area of best and most versatile agricultural land, and this impact must be balanced against the benefits to biodiversity and the improved local connectivity in this part of the Rockingham Forest.

6.50 A period of after-care after restoration is complete is necessary to ensure that the restoration and landscaping scheme with all the biodiversity elements are appropriately

managed to ensure that they establish and succeed. The Town and Country Planning Act 1990, Schedule 5, specifies that a five-year aftercare period for mineral and waste disposal operations can be imposed for after- uses of agriculture, forestry, and amenity. The 1990 Act does not specify biodiversity. The current application is made under the Planning Act 2008, rather than the 1990 Act and it is understood that the 2008 Act allows a longer after-care period to be specified. It is noted that the draft DCO refers to a ten-year period for maintenance of landscaping. It is understood from discussions with the applicant that a twenty-year aftercare-period, post final restoration, is proposed and given that there will be phased restoration some areas will receive up to a further ten years on top of this. The DCO will require further amendments to clarify the twenty-year aftercare period, and to ensure that this covers all aspects of management of the restoration scheme, particularly the biodiversity enhancements. It is considered that Examining Authority should satisfy itself that the after-care proposals and timeframe are all appropriately covered in the DCO requirements, and if not these should be included in the Section 106 Legal Agreement.

6.51 Policy RC3 of the King's Cliffe Neighbourhood Plan seeks that where appropriate, development proposals should deliver overall quality and accessibility enhancements to the Public Rights of Way network. The restoration and after-use proposals will achieve this, albeit the public access may be through permitted paths rather than a formal right of way. The delivery of public access to the site can not be achieved by a DCO requirement and should be included in the proposed Section 106 legal agreement. It is also considered that this should be a long-term commitment.

6.52 Overall, it is considered that the restoration and after-use scheme put forward in the application satisfies the requirements of Policy 24 of the MWLP.

Planning Conditions and Obligations/Legal Agreement

6.53 Policy 25(Implementation) of the MWLP requires the implementation of minerals and waste development to be appropriately controlled and managed by measures which include: planning conditions; planning obligations and/or legal agreements. The DCO requirements (planning conditions) have been drafted and, other than after-care appear to satisfactorily cover matters which are appropriate to be controlled by planning conditions. The applicant has agreed to a Section 106 legal agreement to cover matters which are not appropriately dealt with by planning conditions, and which are in the current legal agreement. These cover an annual contribution of £5K for highway maintenance purposes and the continuation of a community fund based on £5 per tonne of deposited LLW. However, the delivery of public access to the site post site restoration was not included in the existing legal agreement and should be included in the new proposed Section 106 legal agreement and be a long-term commitment. In addition, a twenty year after-care requirement should also be covered in the Section 106 if this cannot legally be covered in the DCO requirements.

7. Conclusions

7.1 This Local Impact Report (LIR) concentrates on the local development plan policy implications of the proposed development. In terms of the principle of the development, the report assessment does not identify any policies which the proposal is in direct

conflict with, although in waste capacity terms the local needs for self-sufficiency for the management of hazardous and low-level radioactive waste do not require a large-scale extension to the existing facility. This has to be balanced against the national need for such a facility and this is a matter for Examining Authority to assess and consider.

7.2 The LIR has also assessed the proposal against the other relevant development plan policies relating to impacts associated with the following: amenity protection, ecology, landscape and visual, Rockingham Forest, flood risk and drainage, cultural heritage and archaeology, transport and highway safety, layout and design, socio-economic factors, and health impacts. It is considered that the topography in the proposed western extension area would be permanently changed because of the proposed development and the LVIA acknowledged this stating that there would be significant effects on the landscape character of the northern part of the proposed western extension. The Examining Authority should consider this in the planning balance. In terms of other impacts considered the assessment has not identified any significant issues, particularly as the proposed requirements in the DCO will safeguard and mitigate the impacts. The proposed Section 106 legal agreement is also welcomed but should also include provision also for long term public access. In addition, a twenty year after-care requirement should also be covered in the Section 106 if this cannot legally be covered in the DCO requirements.

7.3 The King's Cliffe Parish Council has objected to the application and two persons have made representations with their concerns. These also need to be considered by the Examining Authority.

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Background Papers:	Case file: Augean DCO Application
Are there any human rights implications?	This application has been processed in accordance with the prescribed Town and Country Planning legislation and regulations. These afford individuals the rights to have their say on the development proposed and for the impacts of the development to be assessed having regard to the potential for impact on any individual, and the decision to be made taking into account any views expressed. The most relevant parts of the Human Rights Act are: Article 6 (Right to a Fair Trial); Article 8 (Right to Privacy); Article 10 (Freedom of Expression); and Protocol No1 which entitles every person to peaceful enjoyment of his/her possessions.

SIGNED

Case Officer.....



Date.....04/03/2022.....

Phil Watson

Minerals and Waste Development Control Manager

On behalf of George Candler

Executive Director Place and Economy

Delegated Report