Somerset County Council

Regulation Committee – 5 September 2019
Report by Service Manager – Paul Hickson
Strategic Commissioning Manager

Application Numbers:	**SCC/3627/2019 and SCC/3628/2019**
Date Registered:	18 June 2019
Parish:	Stogursey
District:	Somerset West and Taunton
Member Division:	Watchet & Stogursey
Local Member:	Councillor Hugh Davies
Case Officer:	Charlotte Pope
Contact Details:	charlie.pope@devon.gov.uk (01392 383000)
Description of Applications:	Variation of condition 3 (waste storage) of planning permission 3/32/16/018 to allow the importation of size-reduced intermediate level waste (ILW) skips from Magnox's Oldbury, Sizewell 'A' and Dungeness 'A' sites to Hinkley Point 'A' for interim storage at the on-site interim storage facility (ISF) Variation of condition 3 (waste encapsulation) of planning permission 3/32/17/005 to allow the importation of size-reduced Intermediate Level Waste (ILW) skips from Magnox's Oldbury, Sizewell 'A' and Dungeness 'A' sites to Hinkley Point 'A' for encapsulation at the on-site Waste Encapsulation Plant
Grid reference:	**Easting** – 320834, **Northing** - 146086
Applicant*:*	Magnox Limited
Location:	Hinkley Point A - Intermediate Level Waste Storage Facility, Nr Bridgwater, Somerset, TA5 1YA

1 Summary of Key Issues and Recommendation

1.1 The proposed development relates to variations to a previously approved conditions at Hinkley Point A. The main issues for Members to consider are: -

- principle of the development;

- traffic generation and the highway network; and

- consideration of community benefits.

1.2 **It is recommended that planning permissions be granted subject to the conditions set out in section 10 of this report, and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager – Economy & Planning.**

2 Description of the Site and Surrounding Area

2.1 The Hinkley Point A site is on a headland extending into Bridgwater Bay about 8 km to the west of the mouth of the River Parrett and 3 km north of Stogursey. The operational 'B' station is located to its east, and construction of a 'C' station is underway to the west.

2.2 The landscape of Hinkley Point is dominated by two nuclear power stations and the construction of Hinkley Point C. A County Wildlife Site extends around the southern boundary of the existing power stations complex and into the 'C' site.

2.3 The site is located close to a Site of Special Scientific Interest (SSSI) that covers the coastal area to the north of the site and Wick Moor to the southeast. The SSSI is also a Special Protection Area (SPA) and Ramsar site, a large part of which is also a National Nature Reserve (NNR) managed by Natural England. The coastal area is also a Special Area of Conservation (SAC). To the southeast, the Wick Moor grazing marsh is also largely registered common land.

2.4 The local villages are located away from the coastline, the closest of the larger villages to Hinkley Point being Stogursey. Small hamlets (i.e., Knighton, Burton, Shurton, Wick and Stolford) and isolated farmsteads are located closer to the coast. Further south, the Quantock Hills Area of Outstanding Natural Beauty (AONB) extends south-eastward from the coast at East Quantoxhead, to within about 8km (5 miles) of Hinkley Point.

2.5 The application site boundary encloses the Hinkley Point A nuclear power station, which has an area of over 19 ha (48 acres) covered by the nuclear site licence.

2.6 The Interim Storage Facility (ISF) is located alongside, but at a level 5m below, the site access road and about 85m to the west-northwest of the Hinkley Point B site security gatehouse, with the encapsulation plant directly to the west. A substantial electricity station is located on the south side of the access road, from which several sets of high voltage overhead power lines are carried on pylons aligned south-eastward across Wick Moor.

3 Planning History

3.1 Planning permission for the construction of a generating station at Hinkley Point was granted following a planning inquiry in 1957. The station started generating electricity in 1965 and continued until 2000.

3.2 Planning permission was granted for the current ISF design on 30th March 2017 under application reference 3/32/16/018. This was a Section 73 application which varied a condition (to amend the scheme's design) on planning permission reference 3/32/12/030, which itself was a Section 73 application which varied a condition (also to amend the scheme's design) imposed upon the original planning permission (3/32/04/009) granted in 2004.

3.3 Full planning permission for the encapsulation plant was granted under reference: 3/32/17/005 on 8th September 2017.

4 The Proposal These applications were submitted in May 2019 under Section 73 of the Town and Country Planning Act 1990 and seek to vary Condition 3 of the Interim Storage Facility (ISF) permission and Condition 3 of the encapsulation plant permission. These variations would allow importation of Intermediate Level Waste (ILW), ILW being a category of radioactive waste, from specific locations outside the Hinkley Point A site. Full details of the existing conditions are provided below:

Existing Condition 3: Planning Ref 3/32/16/018 (ISF)

Condition 3 - Waste Storage

(i) No radioactive waste shall be imported to the site from outside the Hinkley Point 'A' site.

(ii) Only waste classified as 'Low' and `Intermediate Level Waste, shall be stored in the facility hereby approved.

Reason: To ensure that the storage facility only deals with nuclear waste originating from within the Hinkley Point 'A' site to minimise the detriment on the surrounding area.

Existing Condition 3: Planning Ref 3/32/17/005 (Encapsulation Plant)

Condition 3 - Waste Encapsulation
No radioactive waste to be encapsulated within the development hereby permitted shall be imported to the site from outside the Hinkley Point `A` site.

Reason: To ensure that the encapsulation facility only deals with nuclear waste originating from within the Hinkley Point `A` site to minimise the detriment on the surrounding area.

4.2 The applications would allow for the importation of ILW to Hinkley Point A for packaging and interim storage until the national Geological Disposal Facility (GDF), which will provide a permanent disposal facility for radioactive waste, becomes available. The ILW would comprise skips which are disused metal containers that once held spent nuclear fuel; after the last of the fuel was transported for reprocessing, the skips and a range of redundant items were left and are now ready for encapsulation and interim storage pending final disposal. The size reduced skips are currently situated at Magnox Limited sites at Oldbury, Sizewell A and Dungeness A.

4.3 Once at Hinkley Point A, the imported ILW skips would be loaded into concrete boxes, a temporary lid placed on each box, and the boxes transferred to the encapsulation plant for grout infill and final lidding ready for transfer to the ISF for interim storage.

4.4 During the period of interim storage, all operations will continue exactly as they would without the imported skips. That is to say, there will be regular facility inspections, scheduled building maintenance, periodic inspections, and updating of the store safety case. The latter includes mandatory periodic re-assessments of issues such as the effect of climate change (i.e. sea level rise and increased storm frequencies). None of these issues, e.g. the risk of flooding or the degree of protection required, is affected by the presence of the imported waste.

4.5 The applicant had not proposed or provided suggested wording for the variation of the condition. However, they did suggest a preference for new conditions to restrict imports to size reduced ILW skips from three named locations.

Transportation Details

4.6 The transfer of ILW skips would take place over a period of months on a campaign basis. The applicant estimates that a maximum of around 90 baskets would be imported to Hinkley Point A, containing around 110 size-reduced skips.

Indicative Import Schedule

Origin Site	Amount of Material	Proportion of Total Material
Sizewell 'A'	35 skips	32%
Oldbury	25 skips	24%
Dungeness 'A'	50 skips	45%

4.7 The total number of vehicle movements associated with this development, including delivery of concrete containers and materials as well as the ILW skips, will be 92. All HGVs will be routed via M5 Junction 23, A38 Bristol Road, The Drove, Western Way, Homberg Way, A39 Quantock Road, Cannington Bypass, Withycombe Hill and Wick Moor Drive.

4.8 The waste would be transported within an International Organisation for Standardisation (ISO) freight container or similar. There will be no abnormal loads and no requirement for a police escort. At the time when the Geological Disposal Facility (GDF) becomes available, all stored packages will be transferred away from the Hinkley Point site.

5 The Application Plans and documents submitted with the application:

Application form, fee and notices

Documents:

Covering letter (Avison Young, 23 May 2019)

Planning Statement (Avison Young, May 2019)

Transport Statement (AECOM, May 2019)

Transport Appendices (AECOM, May 2019) including Appendix A: Scoping Note and Correspondence with Somerset County Council; Appendix B: Personal Injury Accident (PIA) Data and Correspondence; Appendix C: Hinkley Point C - Walking and Cycling Audits; Appendix D: Correspondence with Hinkley Point C operatives; Appendix E: Technical Note- Route Audit; Appendix F: Traffic Growth Calculations

Statement of Community Involvement (Avison Young, May 2019)

Drawings:

Site Location Plan Proposed Encapsulation Plant (Avison Young, Ref: GVA-SLP-HPAENCAP01)

Site Location Plan Proposed Interim Storage Facility (Avison Young, Ref: GVA-SLP-HPA01)

6 Environmental Impact Assessment An assessment of the proposed development in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has demonstrated that the proposal does not require Environmental Impact Assessment (EIA).

6.2 Schedule 1, paragraph 2(2) of the 2017 Regulations refers to nuclear power stations. Although the proposed development falls within the confines of Hinkley Point A nuclear power station, the proposal relates to the importation and storage of ILW and not to power generation. The nuclear power station is no longer active, so the thresholds in Schedule 1 do not apply.

6.3 Schedule 1, paragraph 3(2)(e) includes “installations designed solely for the storage (planned for more than ten years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.” Here “solely” refers both to the storage of irradiated nuclear fuels and to the storage of radioactive waste, in both cases at a site other than the site of origin. Although the proposed development would result in radioactive waste being stored in a different site to the production site, the approved ISF has not been designed solely for the storage of that imported waste. The design of the ISF is such that a storage building of this size could accommodate all of Hinkley Point A’s own packaged ILW. The purpose of the facility is clearly for the storage of ILW generated at Hinkley Point A, it merely has sufficient spare capacity that it can also store some further packages containing imported ILW skips. The proposals, therefore, do not fall within Schedule 1, 3(2)(e) of the EIA Regulations.

6.4 Of the development types listed, Schedule 2 (13)(b) may be considered relevant. Schedule 2 (13)(b) relates to any changes to, or extensions of, development of a description listed in paragraphs 1 to 12 of column 1 of the Schedule where that development is already authorised, executed or in the process of being executed.

6.5 The application was screened and submitted under Schedule 2 (13)(b) as the proposal involves modification to the approved ISF and encapsulation plant developments. The proposals would only constitute Schedule 2 development if:

(i) the development as changed or extended may have significant effects on the environment; or

(ii) in relation to development of a description mentioned in column 1 of the table, the thresholds and criteria in the corresponding parts of column 2 of the table are met or exceeded

6.6 In this case, the site is not within a 'sensitive area' as defined by the Regulations. While there are a number of ecological and landscape designations in proximity to the site, it is not considered that, given the scale of the proposals, the proposals are likely to give rise to significant effects on the environment. The nature of the proposed development will introduce HGV traffic movements not previously envisaged, but these are small in scale and would not be significant.

6.7 The outcome of the EIA screening for the current application concludes that the proposed development does not fall within the scope of Schedule 1. The proposed development has been considered under Schedule 2 (13)(b) of the Regulations, but it is the view of Somerset County Council, as Waste Planning Authority, that the proposal is not likely to have significant environmental effects by virtue of its nature, size and location and, therefore, does not constitute EIA development.

7 Consultation Responses received

External Consultees

7.1 **Somerset West and Taunton Council**: Object to the applications in principle. The applications were discussed at the full Council at Somerset West and Taunton on 30th July 2019. The following response was provided:

"The Council voted on a motion that raised an 'in principle' objection to the two planning applications. The motion was carried. Therefore, the official response of Somerset West and Taunton Council to the two planning applications (same in both instances) is as follows –

The Council notes the conclusions of the officer's technical appraisal but expresses strong concern about the import of nuclear waste from outside Somerset."

Members were clear that this is an 'in principle' objection and so did not wish to add any reasons for their stance. Neither did they wish to forward the technical appraisal for consideration."

7.2 **Stogursey Parish Council:** Object to the applications on the grounds of:

- unacceptable increase in traffic, no matter how limited, on to roads that are already burdened with the huge increase in traffic arising from the construction of the Hinkley C nuclear power station;
- adverse effect upon the environment that the importation of any toxic substance will have and on the basis that area has enough nuclear waste to consider; and
- objection to a planning system that refuses to consider the wishes of local people who wish to object to the principle of the importation of nuclear waste into their community.

7.3 **Office for Nuclear Regulation:** No comments to make.

7.4 **Highways England**: No objection.

7.5 **Environment Agency**: No objection, and comment that in April 2016, the applicant submitted a best available techniques (BAT) report to the Environment Agency which considers the inter site transfers and encapsulation into concrete boxes of radioactive skips from the Sizewell A, Dungeness A and Oldbury sites at Hinkley Point A. Confirmed submission satisfactorily demonstrates BAT.

7.6 **Natural England**: No objection. Cannot identify any risks to designated nature conservation sites and protected species or protected landscapes and consequently has no grounds to object.

7.7 **Quantock Hills Area of Outstanding Natural Beauty Service**: No comments to make.

7.8 **Sedgemoor District Council (adjacent Authority)**: Provide advice with regard to the relevant planning policy, process and planning assessment, and comment that:

- National Planning Policy for Waste (2014) remains relevant, providing some support for waste management across waste authorities and collaborative working whilst considering likely impacts on local environment and amenity. The Nuclear Decommissioning Authority Strategy supports sharing management infrastructure' including interim storage;
- In terms of local policy, note that the Somerset Waste Core Strategy (2013) has not changed since the original consents were granted. This document states the requirement for consideration of impacts on environment and local community (Policy DM3), impacts of waste transport (DM6), radioactive waste storage (DM9);
- County Council will need to consider whether the importation of intermediate level radioactive waste from other sites and not just Hinkley A would result in a form of development that does go beyond the "minor material amendment" matters that Section 73 generally is intended to address and therefore would result in a substantive in-principle change;
- County Council will need to be satisfied that all relevant procedural matters in relation to the EIA Regulations have been met;
- need to be satisfied that the concerns that led to the imposition of the conditions originally are sufficiently addressed by the proposals;
- comment that in this context of disbenefit to the local community there is a case to be made for appropriate community benefit contributions as part of these applications, in recognition that the local community is now being asked to host radioactive waste from elsewhere within the UK for an indefinite period; and;
- County Council should also consider carefully how any revision to the existing conditions can ensure that the assumptions within the Transport Statement are realised and not exceeded;
- will be important to consider how the scale of importation can be effectively controlled, monitored and managed through relevant and enforceable planning conditions should the proposed variations be consented

7.9 **Bridgwater Town Council (nearby Council)**: Objects to application and raises concern over the distance the transportation of intermediate waste will cover – approx. 300 miles. Concern that there should be sites closer to the origin of the intermediate waste. Concern regarding the environmental and safety impact. Concern that no Environmental Statement was required. Notes that there are no economic, social or environmental benefits to Bridgwater.

7.10 **Watchet Town Council (nearby Council)**: Opposed to the proposal and consider that the change of use from a generating site to a storage facility is not supported.

7.11 **Nether Stowey Parish Council (nearby Council)**: Objects to application and raises concern that the transportation by road of such waste is an unnecessary risk to the area.

7.12 **Pawlett Parish Council (nearby Council)**: Objects to application and comments that this shouldn't be taken as a precedent for any future imports of other sites' waste.

7.13 **Nuclear Free Local Authorities**: Object to application on the grounds of:

- unnecessary addition to the hazardous waste transported on roads, comment that wastes should be managed on-site where produced (or as near as possible to the site) in a facility that allows monitoring and retrieval of the wastes;
- the Geological Disposal Facility (GDF) is unlikely to be delivered for the next 55 years and the waste will remain at Hinkley; and
- movement of material is in insufficient shielding and transport containers and no information to indicate that the transport containers meet international regulations.

Comment that local authorities need to be aware of the arrangements for emergencies should there be an accident and that all local authorities need to be aware of the transport routes and times. The response raised a number of technical queries which were directed to the applicant to answer. No further response was provided from Nuclear Free Local Authorities.

7.14 **Bridgwater & District Civic Society**: Object to the application on the grounds of road transportation of nuclear waste through the town of Bridgwater, with the alternative of rail transportation unacceptable due to the rail siding being located in a heavily populated part of town. Express concern that a precedent being set in relating to the movement of nuclear waste.

Internal Consultees

7.15 **Highways Development Management**: No objection, comment that the proposal will not dramatically increase the number of heavy goods vehicles on the highway network. A worst-case scenario will only increase traffic levels by 6 two-way trips per day.

7.16 **Minerals & Waste Planning Policy**

The Somerset Waste Core Strategy (adopted February 2013) identifies concerns about long-term storage of radioactive waste (paragraph 18.11). During consultation, stakeholders queried if on-site storage would in reality be in perpetuity. The impacts of long-term storage need to be carefully considered and appropriate measures taken to mitigate or offset those impacts.

During the hearings on the Somerset Waste Core Strategy, there was significant discussion about the importation of radioactive waste for treatment and/or storage at Hinkley Point. Somerset County Council had proposed an approach based on the premise that only Hinkley waste should be stored or treated at Hinkley – in effect a continuation of the policy position adopted in the Waste Local Plan (2005). This proposed approach was not considered to align with NDA Strategy and was not included in the adopted Waste Core Strategy.

Whilst the County Council has adopted a policy that does not prevent importation of radioactive waste, such importation remains a point of concern for some local stakeholders. It has been highlighted in a previous consultation response that any operators proposing the importation of radioactive waste will need to address related local concerns, not least through a sustained strategy of engagement with the local

community. The Statement of Community Involvement (SCI) submitted in support of the planning applications provides a summary of engagement undertaken by the Magnox in relation to their proposals.

We understand the Magnox sites in England have been defuelled and as such, the pond skips are no longer required. No mechanism exists for the recovery of the redundant skips as such, disposal is the appropriate management option. As such, the proposals are in accordance with waste hierarchy principles.

We note the Environment Agency have confirmed they accepted a BAT report from Magnox which considers the inter site transfers and encapsulation into concrete boxes of radioactive skips from the Sizewell A, Dungeness A and Oldbury sites at Hinkley Point A to be a satisfactory demonstration of BAT.

There is no suggestion in the application/planning statement that these proposals will affect the previously discussed ILW strategy proposed in the NDA final preferred options paper i.e. making best use of existing ILW stores at Bradwell and Berkeley (with the exception of the specified ILW pond skips discussed in the proposals under current consideration).

The proposals do not follow the preferred option approach for transfers waste packages on a regional basis (as per stakeholder feedback) - the final preferred option paper discussed ILW transfers from Sizewell and Dungeness to Bradwell as SE interim storage arrangement and ILW from Oldbury to Berkeley as SW interim storage arrangement.

However, the final preferred option paper (March 2015) referred to an evolving pond skip management strategy. The preferred option paper (November 2013) noted a number of uncertainties with regard to the regional approach, including those relating to waste volumes, which could affect the ability to implement the preferred option exactly as described in the paper. In such circumstances there would be “further assessment of the options and appropriate engagement with relevant stakeholders”. We consider that Magnox have undertaken appropriate engagement as outlined in their SCI.

As such, the policy team holds no objection to this planning application in principle - we acknowledge the national strategy direction for consolidated storage infrastructure and the need for an interim storage solution for the specific ILW waste stream described in the application documents (pond skips), not previously identified in the NDAs final preferred option paper. We consider the proposals to conform with national strategy and local planning policy, specifically DM9.

However, previous planning permissions have specifically prohibited the management of radioactive waste imported from outside of the HPA site to minimise detriment on the surrounding area. Therefore, in line with both the NuLeAF position and provision in local planning policy (DM9, second bullet “adequate measures to mitigate adverse impacts on the environment and local community or, as a last resort, proportionately compensate for or offset such impacts), we ask that consideration is given to mitigation measures in relation to the perceived impact of radioactive waste imports to the HPA site. This approach is suggested noting the precedent set for the interim store at Sizewell B to manage their own radioactive waste until GDF is available.

Should permission be granted to allow pond skip importation to HPA from other Magnox sites across the country, we consider the perceived impacts of the imported

waste, and the long-term role that Hinkley A will take in accommodating radioactive waste from other regions warrant delivery of community benefits.

7.17 **Somerset Scientific Services (Noise)**: Comment that there would appear no other operational development required as part of the importation proposals and it would appear that operational times and all other site activities are to remain as previously consented.

Based on the assumption above it would appear the only noise related consideration would relate to the additional noise that might arise from the introduction of the delivery traffic for the materials from other sites and the additional containment vessels. This would equate to a total of 45 deliveries or 90 trips of mainly the HGV lorries used for the container enclosures housing the ILW 'baskets' or the concrete boxes. It is indicated in the supporting information that this transportation impact will arise over a three months period and equate to no more than 3 movements per day and at worst represent a 2.5% growth in HGV traffic on one part of the lorry route from M5 to site. On other parts of the route HGV growth would be significantly less.

In terms of noise increase, agree with the conclusions in that this would appear to be negligible impact and not in conflict with policy DM3 of the Somerset Waste Core Strategy. There are no grounds to support a planning objection to either application on the basis of a noise or vibration impact on residential amenity.

7.18 **County Ecologist**: Comments that only noise and dust impacts from the transporting process are to be considered. Following review of the previous screening assessment, it would appear that negligible impacts to ecology would occur from the associated movements. Advises that suitability of transport containers is examined further to ensure the proposal meets international regulations regarding accident occurrence conditions and the associated potential impacts of protected species.

7.19 **Somerset Local Authorities' Civil Contingencies Unit**: No comments.

7.20 **Public Health Specialist**: No comments.

7.21 **Local Members (Cllr Redman, Cllr Loveridge and Cllr Davies)**: Provide objection to the application on the grounds of:
Inadequate safety preparation & lack of detail in transport strategy
By not completing an 'Environmental impact assessment' prior to application I feel that potential issues relating to transport was not considered, the variation requested does not consider transportation of the radioactive waste and the impact that this could have should there be an incident, either involving the transport or how the transport would be impacted if there was an incident on the highway.

The existing permissions, that you are seeking to amend, has never considered the import of waste to the site, and as such constitutes a considerable difference between the existing and proposed by virtue of the transportation routes, due to the transport method and distance, there should be a need to review the additional risks relating to vehicles, containment and route, with particular worst case scenario planning. If the transport is involved in an accident etc what plans are there in place? What are the plans if there is an incident during transport?

To be clear there is no written consideration or risk assessments that relate to the journey to site, pre application assessments relate to storage on site only, the variation will require transportation across the Country to get to A station and requires EIA and RAMS.

Also – There is no reference to the existing permission for transport of radioactive waste out of site and how this procedure, that has been in place for many years, might be impacted (specifically from A to B or train station).

Inadequate public engagement
The public engagement was flawed, poorly publicised with different dates, times and venues being advertised through different mediums, initial advertisement of the sessions and reasons for the engagement. The first event in Bridgwater was not advertised and resulted in attendance of just 2 people. Only when Cllr Redman used his social media stream to push the events did people attend.

The lack of engagement means that there was not a wide enough push to seek feedback from members of the public and as such may have limited consultation feedback to SCC.

Non compliance with SCC was strategy
18.3 clearly states a desire to minimise "waste miles", yet this request will see radioactive waste transported some 300 miles and passing other potential sites that could receive the waste.

18.4 allows storage of waste from 'the different facilities on site' only, prior to transfer to GDF, there was never an intent to bring waste from other sites, particularly those hundreds of miles away.

18.9 states clearly that the options consultation completed previously "revealed strong support for NOT importing radioactive waste to Hinkley from outside Somerset", this proposal does not provide transparent justification, the poor public engagement is an example of lack of transparency as is the lack of clarity around previous requests to vary existing planning.

How can this current request be seen as transparent, the original planning permissions were clear, HPA when requesting an extension to the storage facility must have had an intention to import waste to fill the new space, why was this not indicated when the request to vary the original plans (increasing capacity) were submitted?

This whole process has failed to be clear to the public and could be seen as lacking the real intent.

Summary
Our position is that the permission should be refused as there is insufficient risk assessments and impact assessments relating to safe transport, the lack of clarity and public engagement, the contravention of specific planning limitations written into the original granted application, finally going against numerous points of SCC current waste core strategy.

<u>Public Responses</u>

7.22 Three letters of objection have been received, which comment:

- Somerset County Council have previously committed itself to a policy of not permitting storage of nuclear waste from any other nuclear site at Hinkley Point A. I would urge the Council to adhere to this Policy.
- Moving ILW to Hinkley Point A from other sites generates additional risks associated with movement and will have to be moved to the Geological Disposal Facility, wherever that is located.

- Conditional that any movement of ILW into Hinkley Point A be undertaken by rail for as much of the journey as is feasible to reduce the risk to travellers, bystanders and nearby residents of using the road network, particularly the Motorways, to bring ILW hundreds of miles across the country. Sizewell to Hinkley Point A by road must involve travelling round the M25.
- Movement of IL Radioactive Waste is a threat to the safety of road users and local residents

8. Comments of the Strategic Commissioning Manager

8.1 The key issues for Members to consider are the principle of importation of radioactive waste from other nuclear sites outside of Somerset (8.4); traffic generation and the highway network, including the potential impacts from increased vehicle movements and the suitability and safety of movement of containers (8.5); and issues relating to community benefit (8.6). The matters raised during the publicity period that are not material to this application are dealt with in 'Other Issues' (8.7).

8.2 The Development Plan

8.2.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the following documents, with their policies of relevance to this proposal being listed in Section 10 of this report:

- Somerset Waste Core Strategy, adopted in February 2013;
- West Somerset Local Plan to 2032, adopted November 2016; and
- West Somerset District Local Plan (Saved Policies) adopted April 2006

8.3 Material Considerations

8.3.1 Other material considerations to be given due weight in the determination of the application include the following (with more detail provided in section 8.4):

- National Planning Policy for Waste [NPPW], October 2014;
- National Planning Policy Framework [NPPF], February 2019;
- Planning Practice Guidance [PPG];
- Nuclear Decommissioning Authority Strategy, March 2016; and
- Nuclear Decommissioning Authority Higher Activity Waste Strategy, May 2016

8.4 Principle of Importation of ILW

8.4.1 The conditions that the applicant is seeking to vary were imposed on the current planning permissions for the following reason:

"To ensure that the...facility only deals with nuclear waste originating from within the Hinkley Point 'A' site to minimise the detriment on the surrounding area".

In addressing the principle of the amendment of the conditions to facilitate the importation of waste materials to Hinkley Point A from other sites undergoing

decommissioning, it is necessary to review relevant national and local policy, and a summary is provided in the following paragraphs.

National Policy for Radioactive Waste Management

8.4.2 In October 2006, the UK Government announced that it accepted the primary recommendations of the independent Committee on Radioactive Waste Management (CoRWM) for geological disposal, preceded by safe and secure interim storage. In June 2008, it published a White Paper setting out its implementation framework (Managing Radioactive Waste Safely), based on the concepts of voluntarism and partnership.

8.4.3 Following the unsuccessful West Cumbria 'Expression of Interest', Government published a revised White Paper in July 2014 setting out its new approach. It remains in line with the recommendations made to Government by CoRWM in 2006, restating the Government's commitment to manage "*higher activity radioactive wastes in the long term through geological disposal which will be implemented alongside ongoing interim storage and supporting research"*.

8.4.4 The Working with Communities policy for the GDF siting process in England and Northern Ireland was published on the 19th December 2018. It replaces the 2014 White paper and sets out government's policy framework for managing higher activity radioactive waste through implementing geological disposal. The policy acknowledges that "*interim waste storage is an essential component of higher activity radioactive waste management. It is not in itself a permanent disposal solution, but it provides a safe and secure environment for waste packages that are awaiting final disposal in a GDF*".

National Radioactive Waste Management Strategy

Nuclear Decommissioning Authority (NDA) Strategy III

8.4.5 NDA Strategy III (effective from April 2016) outlines principles for strategic decisions about radioactive waste management, including:

- support key risk and hazard reduction initiatives by enabling and delivering a flexible approach to long-term waste management;
- apply the Waste Hierarchy;
- promote timely characterisation and segregation of waste;
- where appropriate, provide leadership aimed at integrating waste management delivery across the estate and the supply chain;
- support and promote the use of robust decision-making processes to identify the most advantageous options for waste management; and
- enable the availability of sustainable, robust infrastructure for continued operations, hazard reduction and decommissioning.

8.4.6 The evolution of NDA strategy now placing greater emphasis on characterisation and segregation of waste and support for the sharing of facilities across the NDA estate.

Higher Activity Waste (HAW) Strategy

8.4.7 The overarching NDA Strategy is supported by other strategies, plans and reports including a Higher Activity Waste (HAW) Strategy, published by the NDA in May 2016. It aims to ensure that HAW is in a form which it is possible to store safely and securely

for many decades, prior to disposal in a Geological Disposal Facility (GDF). The strategy approach for HAW (which includes Intermediate Level Waste) is to:

- apply the waste hierarchy;
- develop alternative waste management routes; and
- make best use of existing and planned assets.

Radioactive Waste Strategy

8.4.8 In NDA Strategy III, the NDA made a commitment to develop a single radioactive waste strategy for all NDA waste (Low Level Waste and Higher Activity Waste). The emerging integrated strategy considers the opportunities for a more flexible approach to the management of radioactive wastes and the 2018 draft outlined a number of key strategic objectives, in line with those presented in the HAW Strategy:

- application of the waste hierarchy where it is practicable and appropriate to do so recognising that hazard and risk reduction and nuclear safety priorities may limit application of the waste hierarchy in certain circumstances; and
- provide a robust, sustainable waste management infrastructure, essential to the safe, effective delivery of the NDA mission, making best use of existing waste management assets and developing new fit for purpose waste management routes as required.

Optimisation of ILW storage facilities

8.4.9 Having made a commitment to consider the possibilities of reducing overall costs, environmental impacts and timescales of decommissioning by consolidation of ILW at fewer locations, the NDA undertook a study of options. The final preferred option was determined in March 2015 and proposed to avoid constructing ILW stores at sites including Oldbury, Dungeness A and Sizewell A. This would be achieved by adopting a regional approach to ILW package transfers to existing stores, in the south east to Bradwell and in the south west to Berkeley.

8.4.10 During previous studies and within the final preferred option, a number of uncertainties were noted that could impact implementation of the proposals and lead to a change in strategy, including uncertainty in the waste inventory and potential exceedance of capacity at some sites. At that time, the management of some specific waste streams, including ILW pond skips, were still subject to evaluation.

<u>National Planning Policy</u>

8.4.11 The revised National Planning Policy Framework does not include any specific policies on waste but suggests that the framework should be read in conjunction with Governments planning policy for waste.

8.4.12 The National Planning Policy for Waste, in common with Planning Practice Guidance, does not specifically deal with radioactive waste but sets basic principles such as waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs for their area for the management of waste streams. As part of this requirement it notes that waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy an identified need.

<u>Local Planning Policy</u>

8.4.13 Policy DM9 of the Waste Core Strategy is of relevance. It states:

"Planning permission for the treatment and/or interim storage of radioactive waste at Hinkley Point will be granted within the licensed area subject to the applicant demonstrating that the proposed development:

- *is consistent with national strategy for radioactive waste management; and*
- *includes adequate measures to mitigate adverse impacts on the environment and local community or, as a last resort, proportionately compensate for or offset such impacts; and*
- *is supported by robust economic and environmental assessments."*

8.4.14 Policy DM9 therefore does not rule out the importation of radioactive waste to Hinkley Point from other locations for treatment and interim storage, provided that this importation is consistent with national strategy for the management of such waste. While the Government has commenced a process to deliver a permanent management facility through geological disposal, it recognises the need for interim waste storage, with the NDA adopting an approach of making best use of existing assets and consolidation of ILW at fewer locations.

8.4.15 Other relevant local plan policies have been considered. The movement of intermediate level waste may be regarded as sustainable development pending the development of a Geological Disposal Facility (Policy SD1). In terms of basic location principles, the site is already well connected (Policy DM1). The transportation of intermediate level waste will not have a significant adverse effects in terms of noise and dust impacts (Policy DM3). Finally, the local highway network is capable of accommodating the predicted traffic movements (Policy DM6).

Applicant's Reasoning

8.4.15 The applicant has provided a statement to explain the choice of Hinkley Point A for the treatment and interim storage of the skips from Oldbury, Sizewell A and Dungeness A, which is structured around three questions, and Magnox Limited's answers to these questions are summarised below:

Why must the ILW skips be disposed of at the GDF?

Although the skips are mainly metal and could in principle be recycled, trials show that only some parts of the skips can be decontaminated sufficiently to allow recycling, with the mass of 'clean' metal recovered from the skips being outweighed by the mass of ILW swarf requiring disposal. Decontamination and recycling would also result in increased time, cost and worker dose. No practicable management option exists other than to package the ILW skips for interim storage and disposal at the GDF.

Why is it best to use the concrete box?

The main alternative to packaging the ILW skips in concrete boxes is to package them in Ductile Cast Iron Containers (DCICs), but this is not proposed for a number of reasons: the higher radiation dose for workers; the higher procurement costs for DCICs, which would be £3,000,000 more than for concrete boxes; increased use of metals; the need to import DCICs from Germany, while concrete boxes are manufactured in the UK; and the lack of capacity at existing interim storage facilities that are capable of accepting DCICs, resulting in the need to construct at least one further storage facility at a cost of millions of pounds, HGV transport and construction risk.

Why is it best to use HPA for packaging and interim storing the ILW skips in concrete boxes?

Unless multiple locations are used, HPA is the only site where the use of concrete boxes can be fully implemented without the construction of new facilities and without risk to current interim storage capacity. None of the encapsulation or interim storage facilities required for using concrete boxes are present at Oldbury, Sizewell 'A' or Dungeness 'A'.

Concluding Comments on the Principle of Importation of ILW

8.4.16 It is recognised that (with the exception of progress in constructing Hinkley Point C) the area surrounding Hinkley Point A and the characteristics of the access roads have not materially changed since the imposition of these conditions in 2017. However, an applicant is entitled to seek the variation or removal of planning conditions through a S73 application.

8.4.17 While national and local waste planning policy express a 'proximity principle' where waste is managed close to its origin or final destination, thereby minimising transportation distances, the specific characteristics of the ILW to be imported to Hinkley Point A warrant a sub-national approach to its management that optimises use of the country's facilities.

8.4.18 As indicated by the applicant, the proposal to undertake encapsulation and interim storage of the imported ILW skips at Hinkley Point A, alongside the on-site waste being accommodated in the new interim storage facility, represents the 'Best Available Technique' based on costs, resource efficiency and risk to workers. Subject to discussion of transportation impacts and community benefits below, the proposed variation of conditions is considered acceptable in principle and consistent with Policy DM9, SD1, DM1, DM3, DM6 of the Waste Core Strategy and higher-level policy.

8.5 **Traffic Generation and the Highway Network**

Highway Capacity

8.5.1 The application includes a Transport Statement detailing the number of vehicle movements for the proposal as a result of the importation of ILW. The following information is provided for the entire traffic generation associated with the importation of ILW programme:

Total HGV Trip Generation

Material	Maximum Forecast Deliveries	Maximum Forecast HGV Movements (Two-Way)
Containers containing ILW skips	14	28
Empty Concrete Boxes – for ILW processing on-site.	22	44

Other materials associated with on-site processing and storage (i.e. dry grout powders)	10	20
Total	**46**	**92**

8.5.2 The statement indicates that the total number of deliveries associated with this development will be no more than 46 over the importation programme which is a three months period. All HGVs will be routed via M5 Junction 23, A38 Bristol Road, The Drove, Western Way, Homberg Way, A39 Quantock Road, Cannington Bypass, Withycombe Hill and Wick Moor Drive. Use of this route ensures that HGVs are retained on appropriate highways and make use of the improvements made to facilitate the construction of Hinkley Point C, including the Cannington By-Pass.

8.5.3 Highways England and the Highways Authority have both assessed the information and provide no objection. It is commented that the movements can be accommodated on the strategic and local highway networks.

Suitability and Safety of Highway Route

8.5.4 The Transport Statement details personal injury information on the route to assess potential impact in terms of road safety of other users, and concludes that there would be no unacceptable impact. However, the Statement did not consider the concerns relating to the safe movement of ILW, and objections were received relating to risks associated with the movement of waste rather than just the storage of the imported waste.

8.5.5 The transportation of radioactive material in the UK such as ILW from one nuclear site to another is strictly controlled and the Office for Nuclear Regulation's (ONR) Radioactive Materials Transport Division oversees the compliance with the International Atomic Energy Agency (IAEA) Safety Standards Regulations for the Safe Transport of Radioactive Material. In the UK the IAEA requirements are implemented via the Carriage of Dangerous Goods (Amendment) Regulations 2019, known as CDG 2019, which have introduced a step change above earlier regulations, with a significant increase in duties. The packaging, loading, transport and unloading of all radioactive material between sites will be subject to these Regulations which are enforceable under UK law.

8.5.6 The ONR, which regulates both nuclear safety on licensed sites as well as the transport of radioactive materials, has responded to the consultation and have no comments to make. It is also noted that the applicant is an experienced and responsible operator which has transported radioactive waste for a number of years as a central element of their operations.

8.5.7 In regard to emergency arrangements the waste material transported present no type of hazard (e.g. flammability) other than the radioactivity.

8.5.8 The transportation and transfer of radioactive waste material are subject to existing regulatory regimes outside the realm of planning, and the NPPF requires planning decision makers to assume that those regimes will operate effectively. Objections on potential harm arising from such transportation cannot, therefore, be afforded weight in the determination of this proposal. The amended planning conditions will control the quantity and origin of waste imported to the Hinkley Point site, which is considered to

comply with the National Planning Policy for Waste as the proposal takes account of waste arising in more than one waste planning authority area where only a limited number of facilities would be required.

8.5.9 Alternatives to road transportation have been considered in the form of utilising the rail network, with Bridgwater train station being located approximately 19 kilometres by road from Hinkley Point A. It is not considered reasonable to require the use of rail for such a small number of deliveries (around 46) over three months. The sites providing the ILW are all in different parts of the UK, so would use different train routes at different times. Further to this, the wastes and materials would arrive in Bridgwater and local road transport issues in the Hinkley Point area would be the same.

Concluding Comments on Traffic Generation and the Highway Network

8.5.10 Taking account of the above considerations, it is considered that the proposal accords with Policies DM3 and DM6 of the Somerset Waste Core Strategy and Policy TR1 of the West Somerset Local Plan. Traffic related impacts associated with the proposed development would be acceptable, with the imposition of condition to restrict hours of delivery, and it is considered that the proposal would not prejudice highway safety.

8.6 **Community Benefit**

8.6.1 Representations have commented that the local community should receive compensation for hosting the additional waste from outside Hinkley Point. In the Government Review of Waste Policy in England 2011, the principal of community benefit was discussed: "The principle that those most impacted should benefit most should operate across all scales from street to neighbourhood to local authority. How to achieve this should be part of an ongoing dialogue between communities, local authorities, waste management companies and developers. Other industries, for example wind generation, have addressed this issue through the development of industry protocols for providing community benefits in relation to infrastructure development, and we will explore with the waste management industry whether such approaches could be suitable for waste infrastructure."

8.6.2 NuLeAF (Nuclear Legacy Advisory Forum) is a special interest group of the Local Government Association and has a strategic objective "'to seek to ensure that a consistent, proportionate and transparent approach can be taken to the establishment of Community Funds associated with key radioactive waste management facilities".

8.6.3 NuLeAF have presented their position on community benefit and radioactive waste management in Briefing Paper 16, available from their website. The paper outlines a number of approaches to community benefit, the legislative and policy basis of community funds and provides examples of community fund developments and mitigation measures including the use of section 106 agreements, including the GDF siting process and LLWR Ltd agreement associated with the planning permission for vault 9 at the Low-Level Waste Repository near Drigg. The paper suggests that benefits are justified for actual or perceived impacts, inter-generational impacts and for optimisation of use of national facilities and cost savings.

8.6.4 The County Council subsequently raised the possibility of community benefit with the applicant, who has indicated its position on this issue (with which the NDA are in agreement). They comment that there is a long-standing position on community benefit which is justified where it is required to:

- *specifically overcome what would otherwise be a legitimate objection to the granting of planning permission - "direct mitigation proposal"; or*

- *go beyond what is needed to answer any objection but it still related to the development in a meaningful way - "indirect benefit".*

8.6.5 The applicant reviewed the request against the established agreed framework and confirmed that, in their view, community benefit is not required because*:*

- *the only impact is a small and temporary increase in traffic which is insufficient grounds for refusal and not so significant as to warrant mitigation (e.g. in the form of road improvements); and*

- *other than for traffic mitigation it is not clear what could be offered that would be related to the development in a meaningful way.*

This position was established having reviewed the NuLeAF briefing paper and confirmed that nothing has happened since that briefing paper which would change its position.

8.6.6 Community benefit mechanisms are established practice to a number of high-profile cases within the nuclear industry, including the Low Level Waste Repository in Cumbria, the Geological Disposal Facility (GDF), and New Nuclear Build, specifically Hinkley Point C. However, the applicant considers that the proposed import of ILW skips to Hinkley Point A is not comparable with such cases. The applicant has permissions for transfer of all packaged ILW from Oldbury to Berkeley for interim storage; transfer of all packaged ILW from Sizewell A and Dungeness A for interim storage; and transfer of all packaged ILW from Winfrith for interim storage in Harwell's ISF. All of these cases are of a larger scale than the import of ILW skips to Hinkley Point A and the applicant indicates that, in all three cases, no community benefit was required by the local authority and none is being provided.

8.6.7 In response, your officer agrees that planning obligations may only constitute a reason for granting planning permission if they meet the tests in paragraph 56 of the NPPF that: they are necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind. Accordingly, planning legislation does not support the levying of a community benefit in this case, and absence of a contribution to community benefit is not sufficient grounds for refusal.

8.6.8 While the actual impact of HGV movements associated with the proposed importation of ILW to Hinkley Point A is unlikely to be significant, responses from the local communities suggest that there is a perceived impact resulting from safety concerns and a view that nuclear waste is best managed at the site where it is produced. It is also the case that the option being pursued represents a cost saving in comparison with other options (as indicated in 8.4.15), and an argument can be made that local communities should benefit from this saving. However, the applicant is opposed to the principle of community benefit in this case for the reasons given above.

8.6.9 Since the variation of the conditions to enable importation of limited quantities of ILW to Hinkley Point A is not considered to result in any significant adverse impact on the local communities, it is not considered that there are grounds under paragraph 56 of the NPPF to withhold planning permission due to the applicant's unwillingness to make a contribution to community benefit.

8.6.10 Notwithstanding this view, it should be noted that there are other mechanisms outside planning legislation and policy, and already in place through the Energy Act 2008, to ensure that the community hosting an NDA facility can receive socio-economic support. One example of this is the provisions provided as part of the construction of Hinkley Point C. In terms of determining planning applications, local financial support received via this mechanism must be regarded as non-statutory and carries no weight in the planning balance.

8.7 Other Issues

Future Importation

8.7.1 Comment has been received that the application would set a precedent for the future importation of additional material to the ISF facility. The imported waste would sit alongside the Hinkley Point A site waste material within the ISF until the long-term geological disposal facility is available. The amount of waste which can be accommodated is limited by the physical size of the ISF.

8.7.2 Given that the importation amount is limited by the physical size of the ISF and constraints of the site, and that there is no economic and environmental incentive to deal with ILW from outside Hinkley Point A first it is considered that the scope to import ILW is naturally limited. This removes the concern relating to precedent.

Stakeholder Engagement

8.7.3 A response raised criticism of poor public communication by the Applicant. In addition to the normal publicity for the planning application required by the Town and Country Planning Regulations, the Applicant held additional public consultation. The Site Stakeholder Group (SSG) is an independent, local community-based body that is run jointly by the nuclear site operators at Hinkley Point. The overarching purpose of the SSG is to be the prime interface between the local community and the site operators of Hinkley Point A (Magnox) and Hinkley Point B (EDF Energy). Hinkley Point C is addressed under separate arrangements. The ILW skips proposals were first tabled at the SSG meeting held in October 2017, at which members were informed of the intention to submit a planning application to enable ILW to be imported to Hinkley Point A. A special SSG meeting to discuss the proposals in more depth (entitled “ILW Skips Importation”) was held on 17th May 2019.

8.7.4 Aside from SSG meetings, three public consultation events have been held in respect of the proposals. These took the form of drop-in sessions to allow the public to ask questions about the proposals. They were held at the following venues; Cannington Village Hall, Stogursey Victory Hall and Wembdon Village Hall in November 2017.

9. Conclusions

9.1 It is considered that the above assessment demonstrates the importation of ILW and the associated affects would be mitigated to the extent that they are within acceptable levels, consistent with Policy DM3 of the Somerset Waste Core Strategy, and should therefore not prevent the granting of planning permission.

9.2 A number of objections have been made in respect of the proposals, but the issues raised have been taken into account, in so far as they are material to this Section 73 application, when considering the proposed development.

9.3 The variation of planning Condition 3 of planning permissions 3/32/16/018 and 3/32/17/005 would permit the importation of ILW packages from Magnox's Oldbury, Sizewell A and Dungeness A sites by road transport. The purpose of the change is to utilise spare capacity within the existing ISF at Hinkley Point A and to avoid the need for a further storage building having to be constructed with all the additional costs and environmental constructional impacts resulting from new development on the local community and on the similarly sensitive environments.

9.4 The proposal would conform with a national strategy for interim storage of ILW until the long-term geological disposal facility is ready to receive these waste materials.

9.5 As the proposed importation does not involve any changes the ISF itself or the operational management of the ILW within the storage facility, there is not considered to be any impact on the designated wildlife sites or protected species resulting from the importation of ILW from another site. The proposal is considered to comply with SD1, DM 1, DM 3, DM 6 and DM9.

9.6 The importation would be limited to approximately 110 skips and the transportation would take place along an agreed route outside peak hours. The Highway Authority does not consider the impact to be significant and does not require a condition to limit the hours or the route. However, a condition limiting the delivery times of deliveries and the route to be used is considered appropriate in the interests of amenity of the area and to control the operations on the site. A condition to control these transport issues would comply with the observations by Sedgemoor District Council and is considered to accord with Policy DM3 and DM6 of the Waste Core Strategy.

9.7 Whilst Nether Stowey Parish Council, Watchet Town Council, Pawlett Parish Council, Bridgwater Town Council and Stogursey Parish Council have objected in principle to the importation of waste into the county from other sites, no other statutory consultees responsible for safety and transit of the waste have objected. These matters are covered by other regulations separate from the planning system. The principle of ILW storage has been accepted on the Hinkley Point site and these matters are not material to the planning decision in this case. The proposal does not give rise to any other material considerations that indicate that the decision should be refused.

9.8 Taking the above into account, it is concluded that the proposals are acceptable in planning terms subject to the conditions set out below.

10. Recommendation

10.1 **It is recommended that planning permissions be GRANTED subject to imposition of the following conditions, and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager – Economy & Planning.**

Planning Reference No: SCC/3627/2019
Variation of condition 3 (waste storage) of planning permission 3/32/16/018 to allow the importation of size-reduced intermediate level waste (ILW) skips from Magnox's Oldbury, Sizewell 'A' and Dungeness 'A' sites to Hinkley Point 'A' for interim storage at the on-site interim storage facility (ISF)

Condition 1: Time Limit

The importation of Intermediate Level Waste size-reduced skips hereby permitted shall be commenced within 3 years of the date of this permission.

Reason: Pursuant to section 91(1) of the Town and Country Planning Act 1990 (as amended).

Condition 2: Completion of the Development

The development hereby permitted shall be carried out and completed in accordance with the approved plans and specifications and other documents submitted [listed below] or other details submitted to and approved by the Waste Planning Authority in pursuance of any condition attached to this permission.

Documents:

- Covering letter (Avison Young, 23 May 2019)
- Planning Statement (Avison Young, May 2019)
- Transport Statement (AECOM, May 2019)

Drawings:

- Hinkley Point 'A' Proposed Interim Storage Facility - Revised Design Site Location Plan (Ref: GVA-SLP-HPA02);
- Plan Showing Locations of Proposed New Buildings, Plan App Fig. HPA/PA/31' (Scale 1/1000@A1, Arup job No. 249105, Drawing No. A001, Rev 02);
- `Roof Plan & Elevations, App Fig. HPA/PA/40' (Scale 1/200@A1, Arup job No. 249105, Drawing No. A-002, Drawing no. A0002, Rev 02);
- `Elevation of site after demolition of other buildings. Plan App Fig. HPA/PA/121' (Scale 1:1000@A1, Arup job no. 249105, Drawing no. A003, Rev 02).
- `Building A. Radioactive Waste Storage Building. Building Plan and Sections AA BB' (Scale 1:200@A1, Arup job no. 2489105, Drawing no. A005, Rev 02).

Reason: For the sake of clarity and to maintain planning control over the works and structures permitted.

Condition 3: Waste Storage

The Intermediate Level Waste Storage Facility hereby permitted shall only be used for the storage of the following wastes:

(a) Low and Intermediate Level Waste materials currently stored at, or to be generated at, the Hinkley Point 'A' site; and

(b) Intermediate Level Waste from the Oldbury, Sizewell 'A' and Dungeness 'A' sites in the form of size-reduced skips up to a maximum of 20 HGV loads.

Reason: To limit the quantity of waste imported to the Hinkley Point 'A' site to minimise the detriment on the surrounding area.

Condition 4: Duration

The Intermediate Level Waste Storage Facility hereby permitted, together with all the waste stored therein, shall be removed from the site within five years of a national facility for the long-term management of Intermediate Level Waste, or alternative means of off-site storage or disposal, becoming available to Hinkley Point A. Written notification of the date of such facility or alternative means of off-site storage or

disposal shall be sent to the Waste Planning Authority within 28 days of such facility, storage or disposal becoming available.

Reason: To ensure compliance with the national Nuclear Decommissioning Authority Strategy (2016) and to minimise the detriment on the surrounding area.

Condition 5: Hours of Delivery

The delivery of Intermediate Level Waste for storage at Hinkley Point 'A' shall only take place during the hours of 0930 to 1630 on Mondays to Fridays (excluding bank holidays).

Reason: In order to protect the amenity of residential areas on the delivery route and prevent an increase in traffic at peak times in accordance with Policies DM3 and DM6 of the Somerset Waste Core Strategy.

Planning Reference No: SCC/3628/2019
Variation of condition 3 (waste encapsulation) of planning permission 3/32/17/005 to allow the importation of size-reduced Intermediate Level Waste (ILW) skips from Magnox's Oldbury, Sizewell 'A' and Dungeness 'A' sites to Hinkley Point 'A' for encapsulation at the on-site Waste Encapsulation Plant

Condition 1: Time Limit

The importation of Intermediate Level Waste size-reduced skips hereby permitted shall be commenced within 3 years of the date of this permission.

Reason: Pursuant to section 91(1) of the Town and Country Planning Act 1990 (as amended).

Condition 2: Completion of the Development

The development hereby permitted shall be carried out and completed in accordance with the approved plans and specifications and other documents submitted [listed below] or other details submitted to and approved by the Waste Planning Authority in pursuance of any condition attached to this permission.

Documents:
- Covering letter (Avison Young, 23 May 2019)
- Planning Statement (Avison Young, May 2019)
- Transport Statement (AECOM, May 2019)

Drawings:
- Site Location Plan (Drawing No. GVA-SLP-HPAENCAP01);
- Application Site Boundary Plan (Drawing No. GVA-RLP-HPAENCAP01);
- Elevations Plan (Drawing No. NS4000-14-470-2061 Rev.P3,);
- Ground Floor General Arrangement (Drawing No. NS4000-14-470-2060, Rev.P2);
- Roof Plan (Drawing No. NS4000-14-470-2062 Rev.P2);
- Site Block Plan (Drawing No. NS4000-14-470-2063 Rev.P3).

Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.

Condition 3: Waste Encapsulation

The Encapsulation Facility hereby permitted shall only be used for the encapsulation of the following wastes:

(a) Low and Intermediate Level Waste materials currently stored at, or to be generated at, the Hinkley Point 'A' site; and

(b) Intermediate Level Waste from the Oldbury, Sizewell 'A' and Dungeness 'A' sites in the form of size-reduced skips up to a maximum of 20 HGV loads.

Reason: To limit the quantity of waste imported to the Hinkley Point 'A' site to minimise the detriment on the surrounding area.

Condition 4: Construction-related Working Hours

(i) There shall be no construction activity or construction deliveries relating to the development hereby permitted to the Hinkley Point site except between 0730 and 1800 hours on Monday to Friday, and 0800 to 1300 hours on Saturdays unless a prior written request is made to the Waste Planning Authority at least 5 working days prior to any proposed activity, and is subsequently agreed prior to the activity taking place.

(ii) There shall be no external work activities or construction deliveries relating to the development hereby permitted on Sundays, Public or Bank Holidays unless a prior written request is made to the Waste Planning Authority at least 5 working days prior to any proposed activity and is subsequently agreed prior to the activity taking place.

Reason: In the interest of protecting the environment and local amenities from unnecessary disturbance and disruption.

Condition 5: Hours of Delivery

The delivery of Intermediate Level Waste for encapsulation at Hinkley Point 'A' shall only take place during the hours of 0930 to 1630 on Mondays to Fridays (excluding bank holidays).

Reason: In order to protect the amenity of residential areas on the delivery route and prevent an increase in traffic at peak times in accordance with Policies DM3 and DM6 of the Somerset Waste Core Strategy.

11. Relevant Development Plan Policies

11.1 The following is a summary of the reasons for the County Council's decision to grant planning permission.

11.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:

- Somerset Waste Core Strategy, adopted February 2015
- West Somerset Local Plan to 2032, adopted November 2016

The policies in those Plans particularly relevant to the proposed development are:

Somerset Waste Core Strategy

Policy SD1: Presumption in favour of sustainable development –
The proposal accords with the Core Strategy's policies and other material considerations do not warrant approval being withheld. The movement of intermediate level waste may be regarded as sustainable development pending the development of a Geological Disposal Facility

Policy DM1: Basic location principles –
The proposal is well connected to the strategic transport network, which adhere to the principles of sustainable development and which support delivery of strategic policies.

Policy DM3: Impacts on the environment and local communities –
The proposal will have no significant adverse effects on the local community or environment in terms of noise and dust impacts from movements. No significant impact is expected on the nearby ecological sites.

Policy DM6: Waste transport –
The local highway network is capable of accommodating the predicted traffic movements.

Policy DM9: Radioactive waste treatment and storage –
The proposal is consistent with national strategy for radioactive waste management; does includes adequate measures to mitigate adverse impacts on the environment and local community; and is supported by robust economic and environmental assessments

West Somerset Local Plan

Policy SD1: Presumption in Favour of Sustainable Development –
Policy is identical to Somerset County Council Waste Core Strategy SD1. The proposal accords with the policies and other material considerations do not warrant approval being withheld. The movement of intermediate level waste may be regarded as sustainable development pending the development of a Geological Disposal Facility

11.3 The County Council has also had regard to all other material considerations, in particular the National Planning Policy Framework (February 2019), the National Planning Policy for Waste (October 2014) and Planning Practice Guidance.

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

11.8 In dealing with this planning application the Waste Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework, the West Somerset Local Plan and Somerset Waste Core Strategy which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason(s) for approval. The Waste Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.